HE EDITORS, WIESELTIER: THE SHAME OF HEBRON

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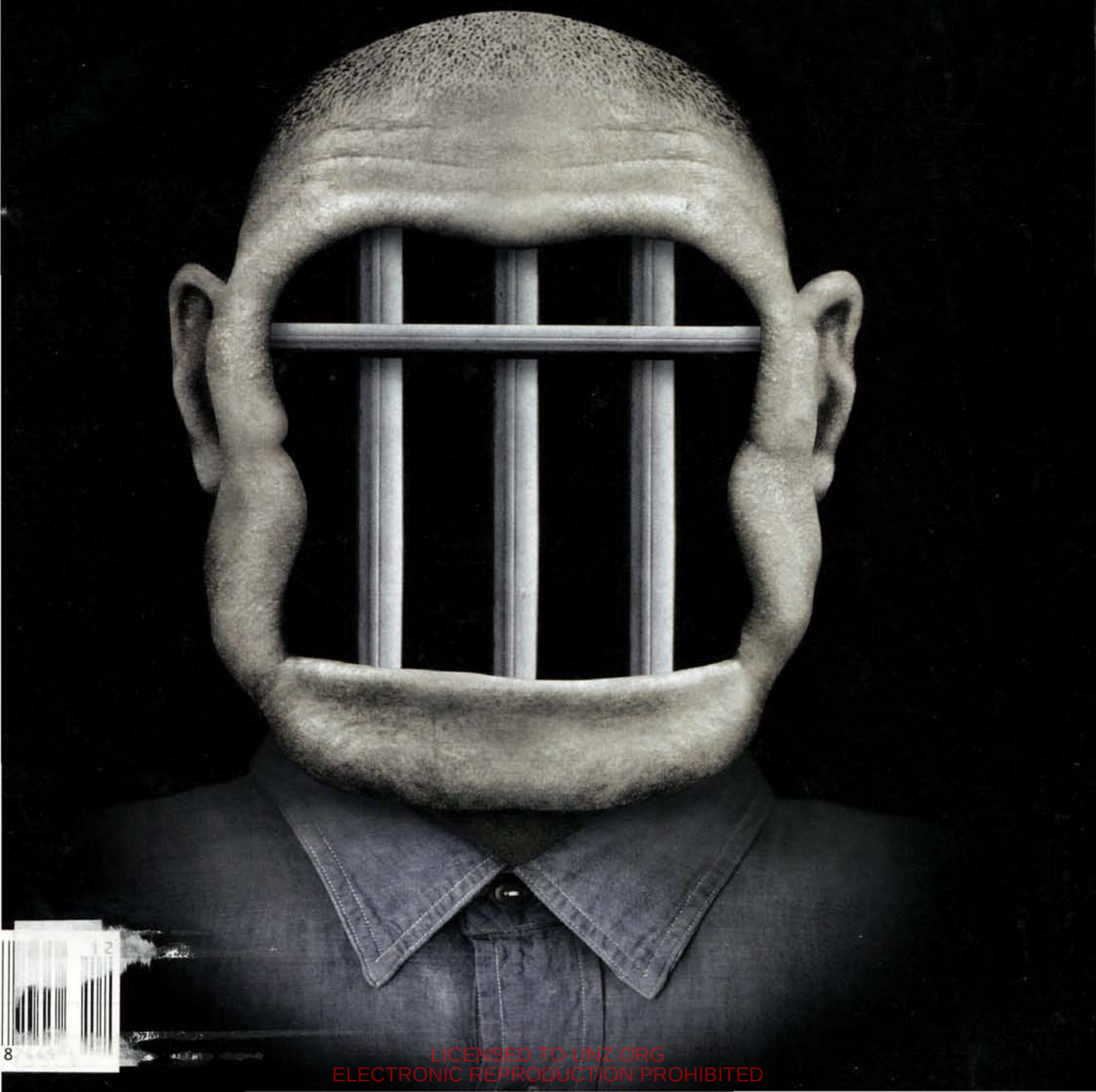
THE NEW REPUBLIC

chard Taruskin on degenerate music • Michael Kelly on degenerate politics

CRIME WAR HELL



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Most are adults of modest means and their family members.

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Uninsured Americans are mostly working age adults of modest means and their family members.

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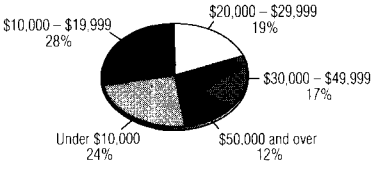
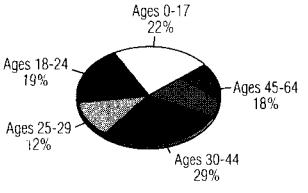


Most uninsured Americans are of modest means.

Source: Employee Benefits Research Institute, January 1994



8 in 10 uninsured Americans are either adults between the ages of 25 and 64, or children.

Source: The Urban Institute analysis of 1993 CPS, Census Bureau

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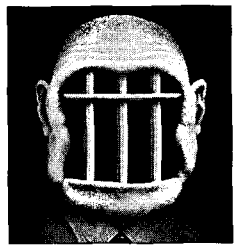

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CORRESPONDENCE

Idling neurons

To the editors:

Jim Holt's "Sunny Side Up" (February 21), on what constitutes brain-death, was interesting, but he did not note an important neurophysiological phenomenon that could help explain spontaneous recovery from the vegetative state. "Idling neurons" are viable, metabolically lethargic, electrically nonfunctioning neurons that are indistinguishable from dead ones by ordinary electrophysiological techniques. By the use of two sequential single photon emission computerized tomography (SPECT) scans with oxygen intervention, using a low-pressure hyperbaric oxygen protocol, my colleague and I believe we have demonstrated that idling neurons can be visualized. We believe we are seeing what we call potentially recoverable brain tissue. (We published our findings in reputable medical journals.) Indeed, we have even suggested that before anyone is pronounced brain-dead, he or she should undergo sequential oxygen intervention SPECT scans. The technique helps to determine the extent of brain damage and the presence of potentially recoverable neuronal tissue. We obtained significant improvements in treating brain-damaged individuals who demonstrated potentially recoverable brain tissue. We suggest that the success is due to the oxygen-induced reactivation of idling neurons and the concomitant stimulation of wound-healing processes in the brain. We have seen everything from lightening of the vegetative state—as measured by the Glasgow Coma Scale—to complete recovery.

Not being privy to Sunny von Bulow's medical records and considering the long-standing nature of her condition, we cannot, a priori, claim that she can be helped. But, we can help to establish the metabolic state of her brain.

SHELDON F. GOTTLIEB, PH.D.
Research Director
Jo Ellen Smith Memorial Baromedical Research Institute
New Orleans, Louisiana

To the editors:

As someone finishing a dissertation on mortuary practices, I was very interested in some of the issues Jim Holt raised about whether or not, and why, a patient in an irreversible coma is dead, higher-brain dead, or whole-brain dead. Ironically, with the advent of highly technological life support, more "traditional" definitions of death need to be invoked. Many cultures believed (and believe) that death takes place in stages, and these are reflected in their funerary practices. Early sociologists such as Robert Hertz and Arnold Van Gennep observed the funerary practices of traditional societies and recognized that most people view death as a process that occurs over time, not as an instantaneous event. Some groups that practice secondary burial believe that the soul is still somehow intertwined with the body even after it is physically dead, and cannot reach the afterworld until the body has decayed completely. Therefore, these groups conduct two funerals, one at the time of death, and another when the bones have dried. The mourning period (sometimes up until reburial) is a transitional period for the living as well as the dead, as they adjust to the new gap in their social group left by the deceased. If modern society could acknowledge that death may indeed exist as a process, not an event, then some of the more emotional aspects of brain-death, as well as right-to-die issues, might become slightly less difficult to face.

RACHEL S. HALLOTE
State College, Pennsylvania

Board silly

To the editors:

Michael Kinsley's February 14 TRB ("Second Opinion") misses an important element of the health care debate. Of course health plans have utilization reviews; that's how our employers are able to negotiate less costly plans. At least employers and employees have access to combinations of price and utilization review, health care and whatever other schemes the market can bring to bear on the control of health care costs.

The problem with government health care boards will be a necessary limit in the variety of plans. Acceptable plans meet the approval of a government-sponsored bureaucracy instead of the approval of buyers. When there are "eligible" plans and "ineligible" plans we have lost choices and are therefore less well-off. Compare the innovative skill shown by regulated airlines and telephones with their post-regulation history.

The response that we can opt for fee-for-service practice to seek whatever services we wish is an unlikely reality. If the national health care budget is set high enough so that whatever we want in health service we can have, then health care costs will continue to grow at about their present rate. If, however, the cap on physicians' earnings is low enough to restrain the growth in national health care costs, there will be fewer services available and/or longer lines in health care facilities. There is no way that limits on spending can lead to another outcome.

CARL BREHM
Gambier, Ohio

The price is wrong

To the editors:

Contrary to Hanna Rosin's article "Underdose" (February 7), AIDS Action has not formally endorsed the Clinton health plan. AIDS Action is working with the plan because it is the lingua franca in Congress, and because for people with AIDS, it would provide measurable and meaningful improvements over a woeful status quo. For people with AIDS (and many others), one part of the current health care mess is assuredly exorbitant pharmaceutical pricing. Unfortunately, Rosin seems to have fallen, hook, line and sinker, for standard pharmaceutical industry rhetoric about how even the suggestion of price restraints will see the demise of pharmaceutical research and development. Nonsense. The industry, among the most profitable on the planet, has for years held sick people hostage while reaping exorbitant profits. This isn't the free market, it's extortion.

DANIEL T. BROSS
Executive Director, AIDS Action
Washington, D.C.

Zviad's zvirtue

To the editors:

When Zviad Gamsakhurdia ("Zviad's Egg" by Simon Sebag Montefiore, February 21) won the first popular election in the Soviet republic of Georgia in 1991—a recognized anti-Communist dissident, with 87 percent of the vote—the country rejoiced. There was very little about him in the United States media until the word "authoritarian" began to be attached to news of his government. Only one article, by Ken Gluck, a journalist in Moscow, described his populist, anti-intellectual supporters: "workers and peasants." The revolt eight months later was instigated by the elite, the intelligentsia, whose Russian counterparts were and still are the communistic heavyweights. I am not a Georgian and have never been in Georgia, but I can bewail the return of Shevardnadze, the perfect model of Russian government elitism, and the death of "Zviad," poet, translator of Shakespeare, beloved

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by the common people of Georgia, whose parade of mourning through the wrecked streets of Tbilisi on the day after he escaped from the city, the Orthodox Christmas Day, 1992, was 4,000-strong, chanting over and over "Zviadi, Zviadi"—and it was fired on brutally by the military. What was the U.S. point of view in all this, besides supporting the former Russian ambassador to Washington, a rather elegant (but courageous) member of the Communist elite? What brand of democracy is being supported in a country that was willing to try the native variety?

RUTH PUSCH
Spring Valley, New York

Noblesse oblige

To the editors:

What is more peculiar than reading 800 pages of carefully researched, nationally published gossip about one's family? Perhaps it is the misleading conclusion of Ron Chernow's *The Warburgs*, echoed again by reviewer David S. Landes's "Judenbrooks" (February 7). The denouement of Chernow's work implies a virtual disintegration of my family. Similarly, reviewer Landes suggests that having "giv[en] up nobility," the Warburgs dispersed into indolence.

Chernow and Landes alike seem mesmerized from the outset by what they portray as an extraordinary mystery: What happened to the money? No great mystery there. The German Warburgs lost their community, their political connections and, yes, most of their wealth to the Nazis. Only Eric and Max returned after the Holocaust, fighting with remarkable courage to rebuild family finances in Hamburg.

What of the American emigrants, Felix Warburg and his five children? They were a remarkably creative—but undisciplined—brood with little interest in the traditional German family business of banking. Typical of New World families, second generation rebels rapidly assimilated, adopting causes other than the husbandry of inherited wealth. They no longer felt the need or intellectual curiosity to pursue corporate finance. For an entire generation, the principal avocation of New York Warburgs was philanthropy. They did a great job giving the money away.

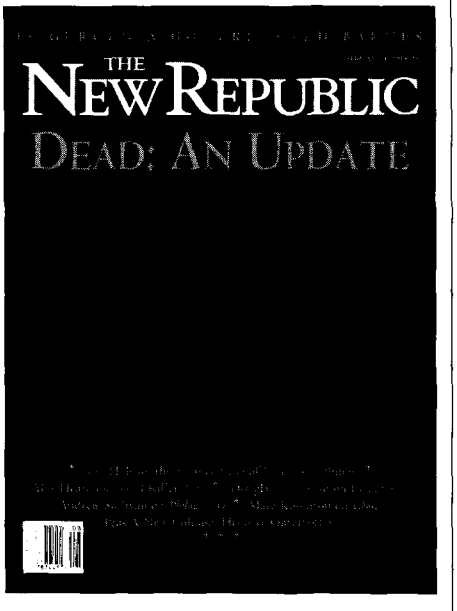
What rankles is the despairing conclusion advanced by both author and reviewer that this natural evolution of successor generations represents an abdication. Pardon my parochial perspective, but this, in fact, is nonsense. When the next generation of Warburg cousins gathers at our quadrennial reunions, one sees a clan made up largely of interesting, accomplished, community-centered individuals. Among them are prominent journalists, doctors, attorneys, authors and senior government officials—an inordinate percentage of whom energetically pursue noble causes. True, there are no longer any bankers or philanthropists. But that, I say to Chernow and Landes, is not the point.

GERALD FELIX WARBURG, II
Washington, D.C.

Shocked

To the editors:

That some unscrupulous journalists take quotes out of context and put words in people's mouths is no defense



of a press photographer who staged a photograph ("Lights! Camera! News!" by Michael Lewis, February 28). Such writers and the photographer are guilty of distorting the facts to make a point other than the one presented by the objective facts. It matters not that the point is a valid one or that the staged event might have happened anyway while no one was looking. Both words and pictures are part of the objective facts that make up a news story. Compromising the credibility of one compromises the credibility of the other. Incidents like these show us that seeing is not necessarily believing. If we can't believe the pictures, why should we believe the words?

If anyone should be interested in the credibility of the press, it should be a member of the press. It therefore is odd that Michael Lewis should rush to the defense of an admitted liar. More disturbing, though, is that Lewis feels he has the license to do so because he works for a small, low-paying journal and not a large-circulation newspaper. Does he mean that he can finesse the facts and get away with it since he is a low-paid writer for a small magazine? Or that high-priced journalists should have a license to make up the story?

LOUIS H. BENJAMIN
New York, New York

Mixed message

To the editors:

The mixed-race ("colored") people of South Africa are right to reject the African National Congress if the ANC does not respect their separate non-black identity ("United Coloreds" by Peter Beinart, February 28).

It is chilling to read that ANC leaders actually believe "the very notion of a colored identity separate from a black or African one is a pernicious relic of apartheid." The ANC is demanding nothing less than the cultural genocide and forced assimilation of the mixed-race population into the black majority.

Perhaps it is a "pernicious relic of apartheid" that the ANC does not give mixed-race South Africans the respect it shows their "white" compatriots. Can you imagine the ANC demanding the forced assimilation of South African whites into the black population?

A. D. POWELL
Madison, Wisconsin

Toles' doles

To the editors:

How clever of Tom Toles to equate welfare payments with Social Security benefits in his political cartoon (Notebook, January 10 & 17). Perhaps he knows some welfare recipients who have been paying into a special fund for more than forty years—in addition to paying their full share of income taxes—to qualify for monthly checks.

Most people who collect Social Security would have larger retirement benefits if they had put the same moneys into a private annuity fund. But then, the government has always been more adept at making "doles" than sound investments.

DAVID WEISS
Westfield, New York

The editors welcome correspondence from readers. Letters should include the writer's full name, address and telephone number; be typed double-spaced; and be held to under 200 words. Letters may be edited for space. Please address letters to: Correspondence, TNR, 1220 19th Street, N.W., Washington, D.C. 20036.

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TRB®
FROM WASHINGTON

Back from the future

The topic of the Younger Generation spread through the company like a yawn.
—Evelyn Waugh, *Vile Bodies*

It's often said that the federal budget deficit or the Social Security system or other fiscally irresponsible arrangements are "borrowing from the future" or "burdening the next generation." (I may even have said it myself, come to think of it.) This is the political dimension of the lament of Generation X, the despairing twentysomethings portrayed in the new movie *Reality Bites*. The federal deficit doesn't actually enter into the plot of *Reality Bites* (which, as summarized by Terrence Rafferty in *The New Yorker*, is about "kids born after the baby boom, who now, as they enter adulthood, feel cheated by history"). But a few earnest, politically minded X-ers have tried to make it their generational cri de couer—on analogy to the war in Vietnam, if you can imagine the effrontery.

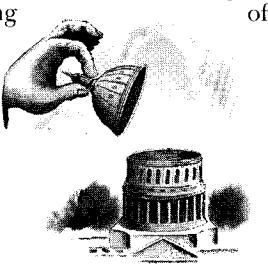
Harrumph. This column bows to no one in its alarm about the federal deficit. But if the entire politics of the post-boomer generation is going to rest on the premise that American society is "borrowing from the future," it gives us pleasure to point out that it's not really true. It is very difficult for whole societies, unlike individuals, to "borrow from the future." The assets consumed today must be produced today. They can't be consumed today and produced tomorrow.

Now, society can use its productive capacity in two ways: to produce consumption goods and services, or to produce things (like new factories) that increase society's future productive capacity. We are definitely producing too much of the former and too little of the latter, and we will be poorer than otherwise as a result. Federal government borrowing contributes to this tendency. But future generations have no inherent claim on any particular share of today's productive capacity.

The fact is that future Americans are almost surely going to be richer than current Americans. Among the living generations, Generation X will have a higher standard of living over the course of its life than the baby boomers, just as the boomers will do better than the postwar generation.

From 1970 until today—roughly the lifetime of Generation X—America's Gross Domestic Product has grown by 82 percent in real terms. This is considered to have been a period of alarmingly slow growth, and even so the X-er entering the work force today joins an economy almost twice the size of the one boomers were joining a generation ago.

In *The Washington Post* a few months back, a twentysomething writer named Christopher Georges published a flood of statistics debunking the notion that X-ers are suffering compared with their generational predecessors. My favorite: 30 percent of teenagers today own cars, up from 7 percent in 1968.



When I learned economics a generation ago, we were taught that the national debt didn't matter because "we owe it to ourselves." These days we owe a large chunk of it to foreigners. Because that will have to be paid back, it does amount to "borrowing from the future." But even if this costs future generations a point or two of their GDP, what's left will still be greater than what we've got now.

Likewise with Social Security. Even if it amounts to a large transfer from today's workers to today's retirees, and an even larger transfer from future workers to future retirees, so what? In both cases the younger generation will still be richer than the older one, even after the transfer takes place.

The choice America faces in issues like the federal deficit is how much present consumption we should sacrifice in order to increase our future consumption. But putting the issue in generational terms raises an interesting philosophical puzzle: Why should one group—the current generation—sacrifice anything at all so that a different group—the next generation—can be better off, when the second group will be better off than the first group in any event?

The answer to this puzzle lies less in logic than in emotions: the admirable desire of parents to see their children prosper, and of patriots to see their country thrive. This is, as I say, admirable. Less admirable is future generations demanding this as their due, and accusing the older folks of "borrowing" if they refuse to fork out sufficiently. (Douglas Coupland's clever novel *Generation X*, which coined the term, opens with an X-er vandalizing an Oldsmobile because it has a bumper sticker that says, "We're spending our children's inheritance." Why not spend it?)

X-ers are right to suspect that boomer complaints about them are based largely on resentment. No one was ever supposed to be younger than we are. Every generation feels that way, but probably none ever milked The Young Idea as successfully as the boomers did in our time.

Nevertheless, some criticism is fair. Start with originality. C'mon you guys. Generational self-pity and existential despair, which the X-ers are marketing as their own, are hardly new. Read *Vile Bodies*, Evelyn Waugh's great comic send-up of the "Bright Young Things" of London in the 1920s.

Indeed, to preen just a bit, the particular note of self-pity was relatively absent from the self-indulgent generational brooding of the boomers in their youth. The famous Port Huron Statement of 1962, founding document of SDS (Students for a Democratic Society), the premier youth activist group of the 1960s, began: "We are people of this generation, bred in at least modest comfort, housed in universities, looking uncomfortably to the world we inherit." Compare and contrast something called the Third Millennium Declaration, a conscious update of the Port Huron Statement issued last year from a twentysomething activist group: "Like Wile E. Coyote waiting for a twenty-ton Acme anvil to fall on his head, our generation labors in the expanding shadow of a monstrous national debt." Whine, whine, whine.

These kids today. They're soft. They don't know how good they have it. Not only did they never have to fight a war, like their grandparents, they never even had to dodge one.

To be sure, complaints about the Younger Generation are as unoriginal as the self-righteous sniveling of the Younger Generation itself. A piece last October in *The Washington Post* should have killed off this particular genre. It was a rant by a 20-year-old college junior bemoaning the decadent values of kids today in their early and midteens. "Beavis and Butt-head" was his text. He noted what a huge fall this represents from "The Simpsons" cult of his day, two to three years ago. He's right, of course. Complaints about the Younger Generation are always right.

MICHAEL KINSLEY

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THE NEW REPUBLIC

MARCH 21, 1994

AFTER PENANCE

The slaughter in Hebron is among the most abhorrent acts recently committed in the Middle East, and it disgusts us, as it disgusts all of Israel's friends. It also disgusts Israel's own. "We are only ashamed of people we are akin to—members of a particular community to which we belong," as Isaiah Berlin once put it. "We are ashamed of what our brothers do; of what strangers do we might disapprove, but we do not feel ashamed." And so an outpouring of Jewish mortification at the enormity has shown that almost all Jews—in Israel and elsewhere—are unafraid to be morally alert. There have been few attempts to put the deed into some exculpating context, especially in Israel itself, excepting, of course, the unrepentant hatred of the more extremist of the settlers.

Here are the words of Yitzhak Rabin, the prime minister, speaking in the Knesset: "As a Jew, as an Israeli, as a human being, I am shamed by the disgrace imposed upon us by a degenerate murderer.... To him and to those like him we say: 'You are not part of the community of Israel.... You are not part of the Zionist enterprise. You are a foreign implant. You are an errant weed. Sensible Judaism spits you out. You placed yourself outside the wall of Jewish law. You are a shame on Zionism and an embarrassment to Judaism.'" This grave interdict is the secular version of excommunication and—even if, in its unbounded character, it is a bit late—it is altogether merited. The ultraright settler movement has long felt under pressure from the government. Now is the time for that movement to feel the full brunt of legal government power. There is no reason that emergency laws, dating to the British Mandate and used against Palestinian terrorists, should not be used against Jewish terrorists and against their inciters and comforters. And if this means expulsion from the territories, so be it.

Doubtless even this would be scarce consolation to the families of the dead. But Ezer Weizmann, the president of the state, did seem to be speaking for just about everyone when he declared, "There is no understanding, no forgiveness and no atonement for this horrible act.... I call upon all the people of this land to grieve." Grief and words are not enough. But the actions of the present government for some time now prove that Israel has genuinely committed itself—and committed itself politically and psychologically—to salving Palestinian wounds and facilitating Palestinian aspirations, and to taking real risks to do so.

It has to be said that the Middle East is not generally a place where an atrocity provokes shame. In fact, the Israelis are the exception to this prevailing rule. The shame is, nonetheless, fully merited. For all his psychopathic tendencies, Dr. Baruch Goldstein's actions can only be fully explained by a psychopathic ideology in which Arab life is very cheap, indeed hateful. Living in the territories, of course, means that the settlers live among people who think Jewish life at least as cheap, and as hateful. Jews have been murdered, in the territories and out, on a regular basis for years. But, as we have seen, when extremists are armed they are also very much a threat to others. This small stratum among the Jews scavenges in the theological tradition to find stray and fugitive models for victimizing others in the effort to overcome some overwrought sense of being victims themselves; here and there—last week in the Scroll of Esther, the text for the holiday Purim—they have found these sanctions and acted upon them. That is why Goldstein, this macabre angel of death, is for them a hero. On the far fringes of the religious chauvinist settler movement, then, there is little penance for the killings and, for that matter, little embarrassment, either. After all, this was not the first of their killings, only the most spectacular.

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There should be no surprise that Arabs have taken to the streets violently (in Israel proper, in the territories and elsewhere in the region) to vent their anger. The Arab body politic is either passive or enraged and, given the absence of habits of orderly dissent and opposition in Arab political culture, aroused people often means a mob. These days the mobs are fixed on Goldstein's monstrous deed in Hebron. But this is only because Muslims have been killed by a Jew. Massacres per se are not what they object to. Massacres per se do not seem to upset even the many Arabs who never join a mob, who usually voice their sentiments politely around the tables of quotidian life. Whe, then, one needs to ask, did a Middle Eastern government or a Palestinian leader or even a group of Arab intellectuals utter a word of contrition—to say nothing of words like Rabin's—about any of the scores of incidents in which Jewish innocents were cut down no less brutally than the men at prayer in Hebron, and cut down on orders from some official high command at that? The answer is: never.

It may be thought churlish and hard-hearted to suggest at this time that there aren't any Arab analogues to the animated conscience of Israel when aptly stirred up. A case in point is the Sabra and Shatilla massacre at the end of the Lebanon war in 1982. Israeli forces controlled the area in which a Christian militia slaughtered perhaps 300 Palestinians. Reciprocal and random slaughter between Lebanese Christians and Palestinians (and among other sects, too) was by then almost a routine in the country, and, of course, long antedated the Israeli presence. Still, within days, upwards of 400,000 Israelis massed in Tel Aviv to take on themselves moral culpability in the army's acquiescence to an ugly custom of others. The Kahan commission altogether appropriately disciplined several Israeli officers for unconscionable indifference. And what happened to the actual perpetrators of the killings? Absolutely nothing. The commander of the Christian National Front, Elie Hobeika, who personally supervised the spree of mass murder, is now a member in good standing of the Lebanese Cabinet, his deeds unpunished and unremembered. To be sure, his deeds were yesterday. But, in Beirut only last Sunday, a bomb was set off in a Maronite Catholic church, killing nine and wounding sixty. (Of course, the authorities blamed this atrocity on Israel.) In Egypt and Algeria there is ongoing mutual terror between government and Islamic extremists, which terror seems not to merit the newspapers. And among the Palestinians there is, more resourceful than ever, Hamas, a religious mass movement programatically devoted to the killing of Jewish innocents. There is more than Hamas: there are the militias of the secular Palestinian schismatics, whose only strategy is terror, and there are also the militias of the Palestinian mainstream, whose view of terror is not all that different from their putative opponents. Please do not think that, when the crowds in Gaza and Ramallah, in Jaffa and Jerusalem, called last week for "death to the Jews," they were yelling metaphor. Even after September 13 each of the wings and winglets of the Palestinian movement, including Arafat's own Fatah Hawks, has already shown that it is faithful to these words.

Jews and Muslims are destined to live enmeshed with one another. No place announces this fate more compellingly than Hebron itself and, in particular, the Cave of the Patriarchs where the mass murder was committed. Here Abraham and Sarah, Isaac and Rebecca, Jacob and Leah are said to be buried, and here, therefore, Jews and Muslims pray, abutters, in a small synagogue side-by-side with a slightly larger mosque (built on the site of a Christian church). Jerusalem, we are always told, is the third holiest place for Muslims. Such a calculus is always a bit suspect. By exactly such a calculus, however, Hebron must be for Jews the second holiest place (and for some Jews it may be the first). But Hebron has a historically feverish character: a slaughter of many of the city's Jews is recorded as early as 1517. Still, drawn there by their piety, unoffending Jews had lived in Hebron for centuries until the first modern Arab massacre of Jews in 1929, repeated in 1938. (Like other more recent massacres of Jews, these were not deeds of one person; they were collective and collectively licensed actions.) Jews returned to Hebron in 1967. If history warrants Arab claims it warrants Jewish claims also, and does so even if many of the present Jewish inhabitants of the city think detestably and behave offensively.

It is understandable that the Palestinians should try to use the Hebron incident to improve their position in world public opinion. Inevitably, they have already found whatever stern measures the government has taken against Kach, the movement of racists and killers to which Goldstein belonged, and against other fanatics, inadequate. But the Palestinians would be foolish to attempt to put up for grabs all the principles of agreement that they signed with Israel last September. They need a continuance of the peace talks more, perhaps, than the Israelis.

For the Palestinians the issue of the moment is the settlements. They are in the logically awkward position of wresting the release and the return to the West Bank of 1,000 Palestinian prisoners, many of them certified terrorists, while demanding the expulsion of thousands of Israelis, almost all of whom are perfectly peaceful. But populous Jewish towns in the territories are not about to be uprooted and their inhabitants put back across the green line. For better or for worse there are now 130,000 Jews in the West Bank, about 15 percent of the population, roughly the same as the proportion of Israeli Arabs within the 1967 lines. Some of these Jews may want to leave what they call Judea and Samaria on their own. Let them. Most will want to stay. They are a fact. If justice requires that thousands of people be displaced every time a terrorist steps out of their midst there would be no Arabs left in the West Bank. The real test of peace is whether Jewish residents will be safe and whether their Arab neighbors will be safe, too, the security of one group no less weighty than the security of the other. •

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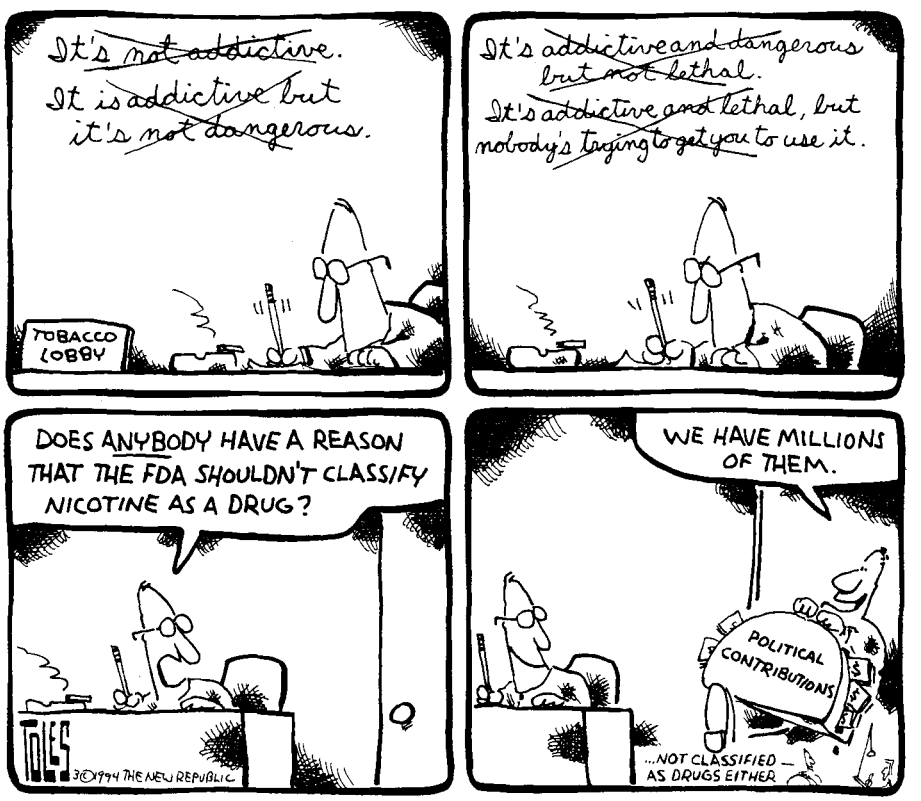
NOTEBOOK

MOVEMENT: Many thousands of people in Bosnia have died in vain, but the victims of the attack on the Sarajevo marketplace may not have been among them. We note gladly—if still skeptically—that there is movement. And we note gladly that the Clinton administration is partly responsible. By shooting down four Serbian planes that violated the "no-fly zone," the United States has Radovan Karadzic searching for a settlement; and the Russian government, its mixed motives for intervention notwithstanding, seems to be assisting. The good news, though, is the prospect of a Bosnian and Croatian entente, and even entity. This development, which has already been codified in a document that sets up a dual legislature and merges the Croat and Bosnian armies, is morally sound and strategically sensible: it would secure what's left of Bosnia, end the war and establish a counterweight to Serbia. Of course, it rewards the Serbs for aggression by allowing them to keep the land they brutally conquered; but the alternative for Bosnia is, we fear, extinction. Why on earth did the United States not act sooner? It took so little. The Bosnians may be forgiven if their realism is inflected by bitterness.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DOES ANYBODY HAVE A REASON THAT THE FDA SHOULDN'T CLASSIFY NICOTINE AS A DRUG?
TOLES
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WE HAVE MILLIONS OF THEM.
POLITICAL CONTRIBUTIONS
...NOT CLASSIFIED — AS DRUGS EITHER

GHOST: On February 26 a federal jury acquitted eleven Branch Davidians of murder and conspiracy to murder four agents of the Bureau of Alcohol, Tobacco and Firearms (ATF) during the agency's 1993 raid on their compound. The verdict was a blow to the authorities—local and federal—who trampled on religious liberty last April. But the trial itself was more damning. The indictment, which also asserted that the Davidians conspired to burn down their compound as a way of killing themselves and federal agents, charged only those Davidians who didn't disavow cult leader David Koresh before the fire (by implication discrediting the reason for the first ATF attack). In court, defense attorneys jumped on prosecutor W. Ray Jahn for introducing an hour of surveillance tapes without including exculpatory matter, and attacked his sound expert for changing the transcript of the tapes to better fit a conspiracy charge. Prosecution star witness Kathryn Schroeder, an ex-Davidian who pleaded guilty to lesser charges in exchange for testimony, was a dud. Under cross-examination the prosecution's arson expert admitted he hadn't analyzed evidence that suggested FBI tanks may have contributed to the fire. The defense's coup de grace was an hour-long tape that refuted the notion of a planned ambush by the Davidians. At one point, a terrified Davidian urged a 911 operator, "Tell them there's children and women in here and to call them off!" No evidence was produced to prove the charges of child abuse that prompted Attorney General Janet Reno's attack. Reno's response is that the ghost of Waco will follow her for the rest of her life. It should.

REINVENTING JOURNALISM: "I think David did a remarkable job in reinventing himself."—Peter Lassally, co-executive producer of "The Late Show," speaking of David Letterman, *The Los Angeles Times*, February 20, 1994

"When I saw the audience giving him a standing ovation, that's when I realized he had reinvented himself."—Peter Lassally, speaking of Vice President Al Gore, *The New York Times* magazine, same day

(Thanks to Paul Attanasio, Los Angeles, California.)

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—*The Houston Post*, February 14, 1994

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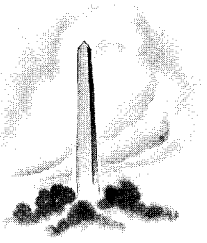
WASHINGTON SCENE

HOWARD'S END

By Michael Kelly

Except perhaps for the size of the turnout, the evening program of February 23 at Howard University's Blackburn Center was nothing much out of the ordinary. The Nation of Islam's own (and not, it turned out, disowned) Khalid Abdul Muhammed was the featured speaker, but that was no rarity. A veteran of the black campus lecture circuit, he had appeared at Howard often before. This night, with C-SPAN's cameras present, he didn't even give much of a show.

He did not speak of Jews as bloodsuckers, or of the pope as a cracker, and did not openly urge the murder of white people. Apart from a few references to "the white man" as "the enemy"; a passing accusation that whites had purposely inflicted blacks with AIDS; praise for the Los Angeles riots as the "Los Angeles Tea Party"; a declaration that "the raping and robbing and murdering of black people ... is the natural mind-set of America"; and an American history lesson that dwelt on scenes of whites lynching and burning blacks, disemboweling pregnant black women and crushing black babies under their boot heels—apart from this commonplace fare, he played it mostly for laughs.



"That Khalid Abdul Muhammed, he's like David Duke, he's just like Hitler," he said in the wimpy, gee-whiz-fellas voice he uses to imitate a white person. Then, returning to his own strong voice: "Shut up, fool. I'm embarrassed that you would say I'm like David Duke or Hitler. I'm *much* more handsome than David Duke or Hitler."

No, what was interesting about the night Mr. Muhammed came to town wasn't anything that the nation's newest celebrity-racist had to say. What was interesting was the everyday everything else.

In the hallway outside the auditorium, before the speeches began, the students lined up for the usual body search by the usual bow-tied young men of the Fruit of Islam. For sale at two long tables near the door were the goods that are also usual at these affairs—books such as the *The Secret Relationship Between Blacks and Jews* and *The Jewish Onslaught* and *The Blue-Eyed Beast.*

The seller of these books, an amiable older man in Africanesque garb, was matter-of-fact about his wares.

"You know what they say on the radio: the opinions expressed herein are not necessarily those of the management," he said. "Well, that's the same with me. I'm a merchant. Got to sell what moves." Actually, the stock wasn't moving; hardly anyone even stopped to glance at the stuff.

On another table nearby, a boom-box played a cassette tape of the man the crowd had come to hear, ripping his way through a harangue the week before in Baltimore.

"It's that old no-good Jew," Muhammed's voice rang clear and loud, "that old impostor Jew, that old hooknose, bagel-eating, lox-eating, Johnny-come-lately, perpetrating a fraud, just crawled out of the caves and hills of Europe, so-called damn Jew."

This, arresting as it would be in most quarters, seemed mere Muzak here. In twenty minutes only a few customers purchased copies of the speech (two cassettes, titled "No Love for the Other Side": $10). The students in line talked or stared in the vacant way of the queued-up. They did not appear to hear a thing.

Once inside the auditorium, the crowd—mostly college-aged, but with a sizable contingent of the middle-aged, too—settled comfortably in their seats, with an air of expected, respectable pleasure, as you might find in people awaiting the start of a football rally or a more proper sort of revival meeting. In the row ahead of mine, four neat young women chatted and giggled. One had brought a boyfriend along, and they were flirting, she making an elaborate effort to draw him close, he making an equally outsized show of squirming away.

"Come here," she whispered at him. "Come *here.* I'm not gonna mess with your hair. I just want to fix your hat."

"Stop that, stop that," he whispered back, ineffectually swatting at her hands. "Leave me alone, girl!"

Brother Yohan, a tall, handsome young man, began the program, and set the tone, with a reading on the nature of white people from *Message to the Black Man,* the seminal work of Elijah Muhammed, founder and theologist of the Nation of Islam.

"They were not made to love or respect any member of the darker nations, for they are by nature, as the almighty Allah has told me, incapable of loving even themselves," he read. "They cannot produce good, for they do not know the nature of good. They cannot love Allah ... for it is against their nature to admit Allah.... All manner of evil and corruption have come from the white race."

This was well-trod ground, mere doctrinal overture, and drew no more than a complacent murmur in response: "Yes, sir ... Tell it."

It was the second speaker, the soft-spoken Henry Jackson-Bey, who moved things along with the first hints of Jew-baiting, as he denounced black politicians for "genuflecting ... bucking, screeching, squirming, scraping at their benefactors' beck and call," and declared that Brother Khalid, in his famous November 29 diatribe at New Jersey's Kean College, had merely done his duty in exposing "the perverts and the traducers against our race, and the Euro-Zionist supremacist conspiracy."

That got the first solid applause and served as a curtain-raiser for the performance of Malik Zulu

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Shabazz, a Howard law student and president of Unity Nation, the student organization that had invited Khalid Muhammed to campus.

"The white man called me on the phone," Shabazz said. "He said [adopting the white man voice], 'Why are you bringing Dr. Muhammed to campus?'

"I didn't tiptoe," hollered Shabazz. "I didn't buck-dance. I said: 'Dr. Khalid Muhammed is one of the greatest black men ever born in America.' I said: 'The Howard University community always has loved Dr. Khalid Muhammed. We *do* love Dr. Khalid Muhammed and we always *will* love Dr. Khalid Muhammed, no matter what some cracker thinks about it, or what some perpetrating Jew thinks about it.' "

When Shabazz asked the crowd to show the media (a line of notably well-behaved journalists in the rear of the room) if they, like he, "backed up" Khalid Muhammed and agreed with "every single statement that he made," the result was unambiguous: applause and cheers and whoops of approval. At that well-timed moment, Muhammed appeared on stage. An impressive figure—a solidly built bald man, dapper in black suit and white shirt—he faced the crowd with his hands clenched high above his head like a triumphant boxer, and basked in the thunderous applause. The fund-raising that followed netted $2,130 for Muhammed's honorarium, including a $500 pledge from Terri Wade, the president of the university's student government association.

With Muhammed on stage and the audience in tune, the program hit its stride.

Matsimela Mapfumo (the recent Mark Thompson), a twenty-seven-year activist who is prominent in the campaign to make the District of Columbia a state, offered a brief lecture on the role of Jews in politics.

"Political action committees fund members of Congress," he explained, professorially. "There are certain types of PACs . . . you have something called ideological PACs. That's a certain category of PACs. These are usually single-thought, single-cause PACs, and the fact of the matter is that most of the ideological political action committees today are Jews. The ones that give the most money are Jewish." This, he suggested, explained the Congressional Black Caucus's efforts to distance itself from the Nation of Islam.

"We know at this point in our research that many members, almost every member of the Congressional Black Caucus, gets money from ideological PACs, but we don't know exactly how many of them actually get money from the pro-Israel organizations," he said. "However, we expect to conclude that if you get money from an ideological PAC, then some of that money, a great deal of that money, is coming from the Jewish lobby. Are you with me so far?"

"Yes! Yes!" said voices in the crowd.

Mapfumo finished up with a declaration: "Our theme, this time, this generation, will not be: we shall overcome some day. Our theme will be: we shall not sell out to Jews."

Bold words, but then the night was full of big talk; not a speaker spoke that night who wasn't a warrior and a soldier in the great fight against the Jews and the crackers that were not there. (A few days later, asked to elaborate on his words for this article, Mapfumo struck a rather different tone. He may not, he said, have expressed himself clearly that night, and he had no evidence to confirm that "most or all" of "ideological money" in Congress came from Jews, and he certainly had not intended anti-Semitism, and he wished it to be noted that his views were personal, not necessarily representative of those in the statehood campaign.)

Malik Zulu Shabazz returned to lead the final rally before Muhammed spoke, and it was, really, the high point of the night. The peroration came in the form of a call and response.

"Who is it that caught and killed Nat Turner?" Shabazz yelled.

There was a confused pause before perhaps a fifth of the crowd yelled the desired answer: "Jews!"

"Who is it that controls the Federal Reserve?"

A few more this time. "Jews!"

"What? You're not scared, are you?"

More now, louder. "Jews! Jews!"

"Who is it that controls the media and Hollywood?"

"Jews, Jews!"

"Who is that has our entertainers in a vice grip and our athletes in their vice grip?"

"Jews!"

"Who is that has been *spying* on black leaders and spying on Martin Luther King and set up his death?"

"Jews! Jews!" This was the largest response so far, with a third, or perhaps more, of the audience shouting.

"Who is in that country called Israel? Who is it in Israel that set up as an illegitimate raiding partner with South Africa, exploiting our brothers, buying diamonds, buying diamonds out of South Africa?"

"Jews!"

"Who?"

"Jews!"

"Am I lying?"

"No . . . no. Tell it . . . no."

"I got to tell the truth," Shabazz yelled. "I don't care if you repudiate me or not. I really don't give a *damn* about the repudiation. I'm going to tell the truth to the world. . . ."

"Tell it brother!" shouted a voice.

And so Shabazz told it, the last bit of classic anti-Semitism remaining unsaid—the one, of course, about Christ.

"If you rejected Jesus, if you lied on him and you tried your best—and you *did* cause his assassination and his crucifixion," he said, "if you renounced Jesus Christ—how are we now to put any weight on your condemnation of Minister Louis Farrakhan and Dr. Khalid Muhammed?"

"Right." said one of the laughing young women. "Right."

MICHAEL KELLY is a reporter for *The New York Times.*

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From Brooklyn to Hebron: some notes

BLOODLUST MEMORIES

By Leon Wieseltier

Clean Hands. In the course of many centuries, there were many crimes that Jews did not commit, but this was not least because they lacked the power to commit them.

I remember the day that I discovered the obscure figure of Yusuf Asar. He appeared in a remarkable volume of Syriac Christian hagiographies, called *Holy Women of the Syrian Orient.* Yusuf Asar lived in the South Arabian kingdom of Himyar in the early sixth century. He was a Jew (or, according to the editors of the volume, "a Jewish upstart"). Yusuf seized power, massacred the Christians in the capital, moved northward to a town called Najran and presented its Christians with the choice of conversion to Judaism or death. And so were born, or rather made, the "women martyrs of Najran." The texts that describe their torments are not easy to read.

I grasped that hagiography is a type of propaganda; and yet the historical basis for the accounts of these Christian martyrdoms in Arabia was indisputable. And my reaction to my discovery of Yusuf troubled me. I felt horror, of course, but horror was not all that I felt. I felt also fascination. In these old Christian texts I had found a kind of Jewish pornography. The choice between conversion to Judaism or death! The analogy was not only spooky, it was also a little tickling. (It was the boy from the yeshivah in Brooklyn who was being tickled, I know; but he was not supposed to be reading *Holy Women of the Syrian Orient* in the first place.)

And I felt relief. My long education in the sanguine story of the Jews had left me, as it was designed to leave me, with a terrible confusion between victims and saints. I was not happy to know how often we were victims, but I was not eager to conclude that we were saints. This lack of interest in sainthood, I learned on my first visit to Israel in 1969, after which I returned to Brooklyn and parted company with my colleagues in the Jewish Defense League, was what the Zionists called "the normalization of the Jewish people." I was sick of martyrdom, and I was sick also of the axiom that martyrs don't martyr. The awful Yusuf nicely defied that axiom.

I was reminded of Yusuf Asar when I heard of Baruch Goldstein. Both of them inflicted on others the fate that they feared for their own. I thought about the abnormal side of normality, about the guilty side of innocence.

A student of Jewish history knows that guiltlessness was too high a price to pay for powerlessness. Jews suffered extremely for lacking the power that they might have used wisely, and not just unwisely. But not even Jews, when they have power, use it always wisely and never unwisely. And its wise uses should not be allowed to hide behind its unwise uses. The guns of Israeli racists are not like the guns of Israeli soldiers; and for this reason the latter may one day be used against the former.

Unholidays. The date of Baruch Goldstein's atrocity in the mosque in Hebron is morbidly dripping in meaning. He massacred on Purim. This is the holiday that commemorates ... but here is the problem. For most Jews, Purim is the holiday that commemorates the deliverance of the Jews of ancient Persia. For some Jews, Purim is the holiday that commemorates the revenge of the Jews of ancient Persia. For most Jews, it is a day of gladness. For some Jews, it is a day of wrath.

The story of Purim is told in the Book of Esther. This is the only book in the Bible that describes a post-Biblical world. God speaks directly to none of the protagonists, and so they must, as we like to say, muddle through. They are the only figures in the Bible with the pathos that we recognize, the pathos of doubt. "And who knows," Mordecai wonders, "whether thou art come to the kingdom for such a time as this," as he beseeches Esther to intercede on her people's behalf with her husband, the king. "And if I perish, I perish," she says, when she agrees to act. These are the words of individuals without revelation. They believe that God is on their side, but they cannot prove it.

And that is not all that makes this text so familiar, so easy to use. The Book of Esther is a book of politics. It is a tale of intrigue at the Persian court. And in its third chapter, anti-Semitism appears for the first time, and as a political instrument. "There is a certain people," the villainous Haman tells the king, "scattered abroad and dispersed among the people in all the provinces of thy kingdom; and their laws are diverse from all people; neither keep they the king's laws; therefore it is not for the king's profit to suffer them."

In the seventh chapter, Haman is foiled and the Jews are saved. But the Book of Esther has, alas, ten chapters. And the Jews are not only saved. They are also given permission to kill, "to destroy, to slay and to cause to perish all the power of the people and provinces that would assault them, both little ones and women." Chapters eight, nine and ten take the story in rough and morally vexing directions. These chapters provide the sacred history of the iron fist, for the sorry Jews who have need of it. After a day of massacre, the king asks Esther what she now wishes, for it will be granted, and she tells him that she wishes for another day of massacre. Her wish is granted.

Purim, then, is the holiday that establishes the distinction between victims and saints. But not for all Jews. The Jews of Qiryat Arba, the settlers in the little Jewish suburb of Hebron who celebrated Baruch Goldstein's massacre in song and dance, were having themselves a perfect Purim. They are not the sort of Jews who linger long over the many commentators, ancient, medieval and modern, who were deeply troubled by the bloodlust at the end of the Biblical narrative. Those rabbis, I guess,

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were just more self-hating Jews.

I remember a visit to Hebron in 1980. It was shortly after Purim. As usual, there had been trouble. An Israeli friend who knew Arabic and enjoyed the trust of the local Arabs took me to a meeting in a municipal hall, at which Arab individuals presented their grievances to the mayor, whose task it was to represent these grievances to the Israeli authorities. A small, paunchy man rose and timidly held up a distressed piece of paper. It was a letter that a Jew had written, in Hebrew, in 1929, asking that the Jewish authorities give every consideration to this man and his family, because they had saved him, the grateful author of the letter, from the knives of Arabs in 1929. (I have a copy of this affecting document somewhere.) And then this man proceeded to describe his humiliation when a group of Jewish students at the yeshivah in Hebron, singing and drinking at a Purim party, pissed on him, through the window of the yeshivah, as he walked in the street below. On Purim, Jews are enjoined to drink, or "be gladdened," as the rabbis say, until they no longer know the difference between "cursed be Haman" and "blessed be Mordecai." Until, that is, they lose their moral compass. This is the inversion of Purim. In this sense, in Qiryat Arba and elsewhere among the settlers of the West Bank, no drinks are necessary and every day is Purim. The inversion is a way of life.

A Gun Grows in Brooklyn. From the papers, I learned that Baruch Goldstein was once Benjamin Goldstein, but I knew immediately that really he must have been Benjy Goldstein. That was the genial nomenclature of Flatbush, where he (and I) grew up. I was not surprised to learn also that he went to the yeshivah called Ohel Moshe in Bensonhurst, though he might have gone to the Yeshivah of Flatbush in Flatbush (where I studied, and where I learned, by the example of a high school principal, that there is a basis in the tradition for resisting the tradition's own ugliness), or Etz Chaim in Borough Park, or the Brooklyn Talmudical Academy in Flatbush; and I was not surprised to learn that he was a follower of the late, unlamented Meir Kahane.

A man who was at home in Brooklyn was at home in Hebron. That is all you need to know. For Hebron is a place of poison. It is well-known that the Jews of Hebron were massacred by Arabs in 1929. (Sixty-seven dead, sixty wounded.) In 1936 the Jewish community was attacked again, and evacuated; and between 1936 and 1947, there was only one Jew in Hebron; and in 1968 the Israeli government, a Labor government, acquiesced in the renewal of Jewish settlement in Hebron, surrendering to a small group of chiliastic Jews who were squatting at a local hotel. Since 1970 the Jewish community of Hebron has set a contemporary standard for anti-Arab virulence and anti-Arab violence. But it is not, historically speaking, breaking new ground. Jews have always re-established themselves in Hebron brutally. Judah Maccabee, in the second century B.C., attacked Hebron to cleanse it of Edomites; and the zealot Simeon bar Giora, who fought the Romans and contributed handsomely, with his indifference to reality and his worship of violence, to the destruction of the Jewish commonwealth, plundered Hebron in the first century A.D.

Hebron is for the fevered; and so there are many young Jews from Brooklyn there. I hope that they have overcome their abjection, but I suspect that they have taken it with them, like their VCRs. Flatbush, I like to recall, was a lovely place; there was peace, the fathers worked hard, the mothers were, well, the mothers, the children studied and played, everybody worshiped and ate; and yet Flatbush seethed. The Jews of Brooklyn were some of the luckiest Jews who ever lived, and yet they were choking on anger. Crime explained some of it; class resentment explained some of it; the Holocaust, which *lives* in Brooklyn, explained some of it. But finally I do not understand why so many of them were so miserable.

I do see, though, that these Jews of Brooklyn, I mean the ones who joined the Jewish Defense League and Kach and the other little militancies that made anger seem like a condition of pride, were ungrateful, envious, power-craving, spiritually shallow men and women who wanted only a piece of the action. And there is no action like messianic action. The loony millenarianism of the Lubavitchers in Crown Heights was preceded by the lethal millenarianism of my friends, first in the preoccupied territories of Flatbush, Bensonhurst and Borough Park and then in the occupied territories of the West Bank and Gaza, who found excuses in religion and in right-wing politics to act on their fear of goyim, shvartzes and Arabs. They were not vigilant, they were vigilantes. The vigilant can live without an enemy. The vigilante cannot.

There were drugs in Brooklyn. I wish they had turned to drugs. The drugs you take destroy only yourself. In a way, they did turn to drugs.

Rights and Brains. "The work of a fanatical and deranged individual," said *The New York Times* the day after the horror. Not exactly. Baruch Goldstein was not rational, but he expressed a rationality. No man with a gun is an island unto himself. The etiology of the massacre, as Dr. Goldstein might have put it, goes something like this: a man acts on beliefs that he shares with a small group of extremists, for which a large movement has a use, for which a national party has a use. The line from Baruch Goldstein to Kach to the settlers movement to the Likud is incontrovertible. I do not mean to say that they are all murderers or apologists for murder (though it was only a month or so ago that Yitzhak Shamir told Israeli radio, which asked him to comment on a bomb that was discovered at the New York office of American Friends of Peace Now, that "Peace Now has caused the State of Israel far more harm than would have been caused had the bombs gone off"); and there are decent men and women among the settlers who denounce physical force with spiritual force. Still, all these political tendencies have the same interest in the consequence of violence, that is, in the abrogation of Israeli-Palestinian diplomacy and, more generally, of Israeli-Palestinian reconciliation. If you do not deplore the consequences of the atrocity, you do not deplore the atrocity.

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It is impossible, and it is unfair, to disarm all the settlers, but it is not impossible to disarm some of the settlers. If Hamas can be banned in the territories, Kach can be banned in the territories. (They have so much else in common.) Most important, the question of the settlements must finally be faced. The "Declaration of Principles on Interim Self-Government Arrangements" that was signed by Israel and the PLO in September deferred the discussion of the settlements for three years. This made some tactical sense, but it did not strike a blow for realism. It made the settlements as diplomatically unapproachable as Jerusalem (the difficulties deferred are "Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest"), and it hardened one of the oldest and most dangerous dogmas of Israel, which is the sanctity of settlement.

The sanctity of settlement is one of the principles of what used to be called practical Zionism. But the settlement of many areas of the occupied territories is impractical Zionism; and so Shimon Peres was perfectly right to challenge the principle of the sanctity of settlement in Gaza, when a few weeks ago he dared to suggest that a pointless little place called Netzarim might have to give way to the security arrangements of a political accord. It is grotesque, moreover, to suggest, as William Safire and A.M. Rosenthal both suggested a few days after the massacre, that the dismantling of Jewish settlements in the territories means making the territories "Jew-free." The word that they are slightly embarrassed to use, of course, is *Judenrein*. Suddenly it is not obscene to compare a policy of an Israeli government with a policy of *his*. Yes, yes, Jews have a right to live in the West Bank and Gaza; but Jews do not only have rights, they also have brains, and it is not smart to believe that the possession of a right justifies every exercise of a right.

The settlements were not established only by idealists, they were established also by strategists, and the objective of the strategists was to thwart territorial compromise, by making a map that separated Israeli sovereignty from Palestinian sovereignty difficult to draw. The settlements were designed as spoilers. For this reason, there is something particularly foolish about the anti-anti-settlement view. It is not based on a conception of security or a conception of ideology. It is a dodge, and plays into the settlers' hands.

The Vanity of Shame. The responses of the prime minister of Israel and the president of Israel were extraordinary. They made no extenuations. They spoke with genuine compassion to Arabs and with genuine fury to Jews. They knew that Jews are killed in the territories by Arabs, and they knew that no Arab state apologizes and no Arab statesman condoles; but they did not wrap themselves in these complicating and unedifying truths. Indeed, the comparison with the other side that Rabin chose to make was this one: "A single line of blood and terrorism runs from the Islamic Holy War member who shot Jewish worshipers who stood in prayer in Istanbul, Paris, Amsterdam and Rome to the Jewish Hamas member who shot Ramadan worshipers."

"I am shamed over the disgrace imposed upon us by a degenerate murderer," Rabin told the parliament. Among American Jews, something odd occurred. The Israeli recognition of the disgrace to Israel diminished the disgrace to Israel. They became vain about the shame. A. M. Rosenthal wrote a congratulatory column called "The Worth of Israel" consisting of thirty-six sentences, three of them condemning the massacre, thirty-three of them praising the condemning of the massacre.

I see his point, but it is unseemly. It is important to understand the place of the comparative impulse in moral accounting. When the comparative impulse becomes primary, accounting becomes apologetics. The really striking thing about the ethical texts of the Jews in exile is the extent to which they are silent about the adversity that the writers of these texts were regularly experiencing. For most of two millennia, the Jews had the standing alibi of anti-Semitism, if they wanted to take it up; but they did not want to take it up. They held themselves to the highest standards of conduct and then proceeded to the business of safety. One is not better merely because others are bad. And the better is not the same as the good. •

Why 100,000 new police won't work.

COP-OUT

By Jonathan Rubinstein

When President Clinton promoted his anti-crime package at the Ohio Peace Officers Training Academy in London, Ohio, on February 15, he repeated his now familiar pledge to federally subsidize 100,000 new community police officers over the next five years. "We've got to have more ... officers on the street," Clinton said, "people who know their neighbors and their children, understand when there are problems ... and do things that are necessary to keep crime from happening in the first place." Clinton has been pressing for an increase for years. In 1989, as governor of Arkansas, he backed the idea of a National Police Corps: 100,000 or more volunteers working four-year stints as community cops in exchange for college tuition. In 1992 candidate Clinton talked of hiring at least 100,000 professional cops and financing the Police Corps as part of his crime plan.

Putting more cops on the street is a good idea. In 1961 there was only one reported felony for every U.S. cop; by 1990 that number had risen to 4.6 felonies per cop—and that's not counting the great number of crimes that go unreported. In 1992, according to the FBI Unified Crime Report, the U.S. arrest rate for murder

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was only 66 percent, meaning that one-third of all murders occurred without anyone being arrested. If you look at just the eleven largest cities, the arrest rate was 55 percent for murder, 51 percent for rape, 24 percent for robbery and 14 percent for car theft. Worse, an astonishing number of these arrests failed to result in convictions. Of the 1,286 murders committed in Washington, D.C., between 1988 and 1990, just 14 percent resulted in a conviction for murder.

This statistical evidence confirms what we already know: we need to do something about crime. It says nothing, however, about the wisdom of subsidizing 100,000 more cops. Clearly the president's instincts are correct. Every city is clamoring for more police; there are more than 1.5 million "private police" (e.g., Wells Fargo and other security guards who function as police) in the United States today. Yet the Clinton plan, as it is currently formulated, is fraught with problems.

One is the inadequacy of the increase. An infusion of 100,000 new cops sounds like a lot, but it isn't nearly enough to make a difference. There are more than 25,000 police departments in the United States. Clinton's plan would only add, on average, about four cops per department. Yet the police, as an emergency service, are organized in four- or five-shift systems to provide continual coverage; no more than 25 percent are working at one time. Adding four cops per department means adding, at most, one per shift. And that's under the best circumstances. According to police sociologist David Bayley, it is rare for more than 6.5 percent of a department's force to be on patrol at any given time; to add a single patrol officer around the clock, he calculates, you would have to hire sixteen. Thus New York City is lucky if 2,100 of its 33,000 cops are working at any one time. Chicago is lucky if 800 of its 12,400 cops are working. San Francisco is lucky if 120 of its 1,800 cops are working.

Whom will Clinton hire? That's another problem with his plan. Five years is an extremely short time period in which to install 100,000 new cops. In the past, whenever cities have rapidly increased their forces, many unqualified people have been hired—a practice

License to fail

Late last year Treasury Secretary Lloyd Bentsen and other administration officials decided that a great way to reduce the number of gun sales in the United States would be to substantially reduce the number of gun dealers. To accomplish this, they proposed driving small-time dealers out of business by raising the annual licensing fee from $66 to $600. The administration claims that such an increase could shut down up to 200,000 of the nation's 287,000 gun dealers—thus making it harder for certain people to obtain guns—and net about $200 million in fee increases over five years.

Eliminating these dealers—especially hobbyists who sell guns out of their homes—seems a logical step in the fight against gun violence. So why not include it as part of a get-tough strategy? Because the numbers can't possibly add up. In its assumptions about dealers who will be eliminated, the administration ignores a central tenet of economics: demand elasticity.

Let's review the proposal. The Bureau of Alcohol, Tobacco and Firearms says that approximately 74 percent of U.S. gun dealers are small-timers who "deal" out of their homes. The administration figures that as a result of the fee increase, nearly all of these non-retail dealers won't renew their licenses. But even gun control enthusiasts must admit that if the demand for guns is *inelastic* (that is, raising the price of a product by X percent cuts demand for that product by much less than X percent), many small dealers will pass on part of the increase to their customers and still make a profit. They'll also stay in business.

Consider what happens when gas taxes go up. Are mom-and-pop service stations necessarily forced out of business? No. Do neighborhood bars shut down when the liquor license fee goes up? No. When tobacco taxes are raised, do small tobacconists close their doors? Some do, but most pass on a portion of the increase to their customers.

Now consider a small gun dealer who sells ten guns a year, since this is the type of dealer the administration wants to force out of business. The $534 fee increase means that if the dealer raises his prices by an average of $53.40 on each gun, his profits will be unchanged. If the dealer worries that sales will suffer at this higher price, he can absorb some of the costs, add an average of $30 to the price of each gun and make $23.40 less profit on each. Eventually a new equilibrium will be reached: some of the fee will be absorbed by the dealer, and some will be passed on to the customer. Dealers who continue to make a profit at this price level—and many should, since the industry is not perfectly competitive and a higher fee raises barriers to entry—will keep selling guns. (Paradoxically, some dealers may try to sell *more* guns to spread the increased fee over a higher volume.)

Why would gun customers, in particular, agree to pay a higher price? Some feel uncomfortable buying guns in retail outlets. Others would rather pay a premium for convenience than shop around for the lowest price.

Of course, some home dealers make very little profit per gun or sell very few guns; thus they won't be able to pass on the higher costs. And 4 percent of all licensees do not actually sell guns at all; they obtain dealer licenses so they can obtain guns for themselves at wholesale. In these cases, the higher fee will have an effect, but it will be nothing like what the administration is talking about.

There are other arguments against the proposal, of course. For instance, 28 percent of state prison inmates say they obtained their guns on the streets; clearly, the fee won't have a big impact on these criminals. Also, more than 200 million firearms are in circulation across the country; the increase will do nothing to reduce that number. Yet the main argument is economic. If administration officials want to get guns off the street, they should stop focusing only on politically attractive plans. Duping the public may be easy, but it's not *that* easy.

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that has led to shoddy and corrupt police work. Until 1968, for example, fewer than 50 percent of applicants passed the New York City police entrance exam. In an effort to expand the force, then Mayor John Lindsay lowered the standards, and 80 percent of applicants passed the next exam. The result was that the police class of 1969 had a lowest-ever average I.Q. of 93.19 and a subsequent record of felonies and disciplinary problems. Likewise, in 1989 Washington, D.C., abolished the police academy's final exam after 40 percent of recruits failed it. That year, 2,000 ill-trained, unqualified cops were hired to deal with a crime emergency. In 1992 thirty-six District cops were indicted for felonies.

A third problem with the Clinton proposal is economic. In the Ohio speech the president said his plan "will be paid for not by new taxes, but ... through reductions in the federal bureaucracy." The administration means to reduce the number of federal workers by 12 percent, or 252,000, over the next five years. This savings would be diverted to pay for the new cops. Yet police officers are hired for life—often twenty years followed by a lifetime pension. Will local authorities pick up the tab once the proposed five-year federal subsidy is ended? Most city and state budgets are strained to pay for the cops they already have. In recent years, in fact, many cities have had to reduce their forces. If local authorities refuse to pay once the subsidy expires, one of two undesirable things would happen: many cops would have to be laid off—inevitably the youngest cops—or there would have to be a new federal subsidy, a permanent one.

Given these concerns, Clinton would do better to junk most of this idea and focus on two others that are likely to work in both the short and long run. First, hire displaced military personnel as cops. Thousands of well-trained, well-disciplined young men and women, with established work and performance records and a respect for rank and command, are being given severance bonuses that could be linked to patrol work with local police forces. The president should order the Department of Defense to direct many of these people into police work. This would eliminate the issue of quality in new recruits and would have the added advantage of helping to diversify the nation's police forces, since the military is the most integrated institution in our society.

Second, Clinton should push an option that he already backs (and that Congress has already passed decisively): the Police Corps, which Adam Walinsky and I proposed in 1982. Here's how it works. Young adults will be recruited right out of high school and will be required to pass all mandated civil service, psychological and physical tests as well as a background check. The government will pay for them to go to college, where they may study anything they want. They will have to maintain a record of good standing, be decent citizens and qualify in all subjects at the Police Corps training center, which they will attend during the summer. The states will determine need and availability, then recruit students and place them in assignments in or near the city where they went to high school. Volunteers will be obligated to serve four years, at which time they can take their experience and knowledge into other parts of society. Ideally, enough will stay to replace the 5 percent of professional police who retire annually.

Over the short term, the Police Corps plan would substantially increase police forces while improving the quality of recruits. Over the long term, it would create a continual stream of young, educated, energized police well beyond the finite term of the Clinton proposal.

Yes, more can be done in the fight to curb crime. The juvenile justice system can be improved to deal with the consequences of the disintegration of families. States can revise their rules of criminal procedure to ensure that every person charged has a prompt trial. We can reform our prosecutorial system by ending plea bargaining as we know it. First, however, we need to fix the police. The president's plan is a good start, but it's only that—a start.

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Jesse's volte-face on crime.

ACTION JACKSON

By Hanna Rosin

On the bleachers of a freezing auditorium at Phelps Career High School in Washington, D.C., hundreds of students huddled in their winter coats one February morning, and listened to Mayor Sharon Pratt Kelly talk dryly about "the city's commitment to investing in our schools." Then, as the keynote speaker swept into the room, Kelly was overwhelmed in midsentence by the roar of "Jesse, Jesse, Jesse!" Within minutes, the students were on their feet. "Repeat after me," said Jesse Jackson. "I am somebody. We shall be made safer. We shall save each other. We shall give our babies the dignity of our names." When they sat back down they were alert. "The dope-pusher won't stop pushing. You've got to change your mind. You have the power to study three hours a night, not to engage in sex without love and make unwanted babies, not to kill somebody, not to consume drugs. It's a matter of self-respect." When a group of boys acted up for the cameramen, he scolded, "Don't be on T.V. in front of white folks and make us look crazy. This is a serious session." By the end of the hour the kids had taken over the mike, asking the mayor not only

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for heat, but for computers and new textbooks.

In high schools and churches across the country, in press conferences and congressional hearings in Washington, Jackson has been redefining "black-on-black" crime as "the No. 1 civil rights issue," claiming it "robs our movement of its moral authority." Not surprisingly, his message of self-empowerment is received cynically by many who see it merely as his latest ploy for the spotlight. After all, only six months ago D.C.'s shadow senator was calling District statehood "the most important civil rights and social justice issue in America today."

Well, sometimes cynicism about Jackson isn't entirely justified. The truth is, Jackson has broken a taboo that has silenced black leaders for decades every place outside their churches; he is admonishing the community openly, before black and white audiences, about individual responsibility for inner-city crime. And his dose of conservative moral rectitude has eased the way for black leaders outside the traditional civil rights community—such as the Congressional Black Caucus and city mayors—to fashion constructive, preventive antidotes to prevailing hard-line crime policies such as "three strikes and you're out."

DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

Jackson's crusade is based on some alarming realities. For all the hoopla in the national press, there is no crime crisis in America—unless you're black. Despite one-third of Americans rating crime as their biggest problem, crime as a whole has been steadily decreasing since 1981, according to Bureau of Justice statistics. But not in the black community. From 1968 to 1984 white murder victims increased about 10 percent, which, factoring in population growth, is actually a decrease. In contrast, the murder rate among blacks increased 65 percent. A black person is now seven times as likely to be murdered, four times as likely to be raped, three times as likely to be robbed and twice as likely to be assaulted or have a car stolen. The total number of murders—about 22,000 last year—has remained constant since 1980; they now just disproportionately affect the black community. America's average murder victim is a black boy between the ages of 12 and 15; 95 percent of the time his murderer is another black boy or man. "More young black men die each year from gunshots than the total who have died from lynchings in the entire history of the United States," Jackson says. "We have become our own worst enemy." It's hard to put it more starkly than that.

Jackson is doing more than just giving speeches. In January he organized a three-day conference of black leaders in Washington called "Stop the Violence. Save Our Children," which has since been replicated in several cities. While short on specific solutions, the conference provided a high-profile platform for discussions that have traditionally remained behind closed doors. In one session on violence against women, C. Delores Tucker of the National Political Congress of Black Women held up enlarged copies of the cartoon insert in rapper Snoop Doggy Dog's album, which shows a faceless, bikini-clad woman, referred to only as "BEEITCH," being kicked out of bed. Eleanor Holmes Norton, D.C.'s representative, chaired the session on welfare reform, and warned that "it would be disastrous for black people to have an automatic anti-reform posture."

Recently, Jackson unveiled an anti-crime program called "Reclaim Our Youth," which relies on 100 churches in 100 cities to mentor ten first-time, nonviolent offenders each. These are kids who would otherwise sit in jail for months awaiting trial and picking up bad habits. In D.C., which will serve as the model, Jackson has been meeting with planning groups—including federal judges and prosecutors—every Thursday since June. After each high school lecture, he makes kids sign pledges not to take drugs or carry weapons, and to tell on those who do. He then lines up those over 18 to register them to vote. He also asks parents to sign a pledge to pick up report cards and meet with teachers, a goal Clinton touted in his State of the Union address after a half-hour meeting

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with Jackson the day before the speech.

In an era where "there is no more drama of mass marches," Jackson describes his role, immodestly, as a "catalyst, a visionary," and leaves it up to black elected officials to carry out his vision. How far they can go, however, is an open question. After all, implementing Jackson's strategy means criticizing the very people who put them in office. Nevertheless, there is movement. "We need to return to the basic values that got us through 400 years of the sojourn from slavery," said Kweisi Mfume, chairman of the Congressional Black Caucus, at Jackson's conference. "Our survival has continued but not our development. We need not government intervention, but a basic respect for life." Baltimore Mayor Kurt Schmoke, a former federal and state prosecutor, put it more simply: "I could use more cops on my streets."

This Jackson-led shift is the good news. The bad news is, it's not always there. For example, the alternative crime bill, sponsored by the Congressional Black Caucus, is still mired in old-think. Aside from a couple of tough provisions (more cops, boot camps), the bill's sponsors have taken a rhetorical stance against any kind of punishment; they have been content to hide behind what they call a racist justice system. Mfume has dismissed all prisons as "an antiquated approach to crime." Witnesses in the House hearings on the bill gave boilerplate speeches about racism in arrest and sentencing patterns. One CBC aide called the bill's Racial Justice Act, which corrects for disparities in sentencing for crack and cocaine offenses and in applying the death penalty, "the most important part of the bill."

This reversion to paleoliberalism isn't simply lamentable on its own terms, it is also bad politics. The CBC runs the risk of being ignored in the crime debate, when it could have found a way to be center-stage. There's a danger even that its more modest—and defensible—prevention programs, such as Head Start and a summer jobs program, could be lost as a result. With 150 moderate Democrats poised to pass some bill in the next month, CBC members would do better to join the final compromise and avoid giving the bargaining power to House Republicans. (They have exacerbated their marginalization by telling the Judiciary Committee they will automatically oppose any bill that includes new mandatory minimum or death penalty provisions, both of which have solid support in the House.) By participating, they might be able to squeeze more money for Head Start and narrow the scope of the death penalty and mandatory minimum provisions.

The old-style rhetoric also erodes the progress made in breaking the silence on black crime. Blaming crime on racism in the justice system—rather than calling a criminal a criminal—unwittingly perpetuates the stereotype of the whole black community as having criminal potential; a better strategy would recognize that black people are overwhelmingly the victims of crime—as Jackson does by calling his crusade a "victims-led revolution"—and deal with the criminals harshly. "It's the negative side of black unity," says writer Stanley Crouch. "Ninety-nine percent of us are not criminals, and we have to rid these monsters among us. Let them shoot up the CBC and we'll see what happens in the next crime bill."

The CBC rhetoric has its echoes elsewhere. Mayor Kelly, whom Jackson chose to moderate the Rainbow Coalition conference's session on solutions, posed the problem of crime in terms too daunting for anyone to solve. After warning against letting "a bunch of talking heads come up with programs," she added this: "I want to make one last observation.... It's not just exclusively our problem. The loss of values is in every racial segment. Nowadays we are preyed upon by organized drug activity on America, where rarely African Americans are at the helm of any of it. We are preyed upon by people who make a living selling guns. This is a capitalist enterprise that criss-crosses America." (No wonder she called in the National Guard to combat violence last year.) Reverend Al Sharpton, the Rainbow Coalition's director in New York, agrees. "The real criminals are the gun manufacturers that are inundating our communities with guns," he says. "Snoop Dog didn't put those guns there." The specter of a massive capitalist onslaught gets even more abstract as the real criminal is identified as the evil box in our homes. "Channel 2, 'Murder She Wrote.' Channel 4, 'Terminator 3.' Channel 7, 'Throw Your Momma Off the Train.' That's what taught young people how to be violent," Sharpton intoned in the introduction to a Nation of Islam crime conference in December. To them, Jackson has a simple answer: "Whatever happens, you say the devil made me do it. Pharaoh's dead, so stop talking about The Man." •

Janet Reno's other record.

MIAMI NICE

By Jeff Leen

In twelve months as attorney general, Janet Reno has produced a record that could be charitably described as mixed. Despite her well-documented strengths—her plainspokenness, her open-mindedness, her compassion—she has come under fire for various aspects of her performance. Two criticisms stand out: she's been a poor administrator at Justice, and she's focused on "soft" issues such as drug treatment and the disintegration of families rather than "hard" issues such as drug trafficking and urban vio-

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lence. While the public has warmed to her, many White House aides, keen to push a strong anti-crime position, are disconcerted, and nearly everyone is vexed by her.

They needn't be. Janet Reno's behavior may seem odd, but it doesn't surprise those of us who knew her in Dade County, where her fifteen-year record as state attorney was also mixed. In a city overrun by crime, she was an honest but often ineffectual manager. On her watch, her office lost an unusually high number of cases. And in a city overcome by violence, she attacked the causes of crime rather than crime itself.

During the 1980s, Miami's cocaine-cowboy heyday, Janet Reno stood apart from the rest of the law enforcement crowd. As the editors of *The Miami Herald* wrote in 1988, "Of the qualities most important in the prosecutor of a community awash in drug profits, none ranks higher than integrity. On that point, Ms. Reno is, and has always been, beyond suspicion." In perennially corrupt Dade County, that was no small compliment.

But honesty, in Reno's case, wasn't enough. On another occasion, the *Herald*'s editors praised her "unstinting integrity," but endorsed her opponent in a bitterly fought campaign. The reason: she couldn't control her office. "Conversations with recently departed subordinates suggest a deep-rooted dissatisfaction with Ms. Reno's management style," the paper said. "Inadequate training and supervision, ineffective communication within the state attorney's office, strained relations with other investigative and prosecutorial agencies—all are complaints frequently cited."

Reno's staff mostly consisted of overburdened young lawyers who were poorly paid ($24,000 per year to start) but anxious to soak up trial experience before joining their higher-wage brethren in private practice. Trials were often a mismatch: in the early 1980s the three biggest drug cases in Reno's office were thrown out when one of her inexperienced prosecutors failed to see technical violations in the wiretap applications. "That was the most difficult time in the history of this office," Reno said later. "The experience level was low, the caseload was out of sight. People were ground into little nubbins." Things did not get better as the decade progressed. Between 1989 and 1991 Reno's office lost almost 40 percent of the nearly 2,000 felony trials it handled—far worse than the average (30 percent) in the state's other nineteen judicial circuits. Later, Reno insisted the numbers were deceiving: "If you consider pleas, convictions and successful 'diversions' (drug treatment programs, etc.), we are successful in 89.9 percent of the cases, compared to 86.7 percent statewide."

Granted, there were several mitigating factors that could explain the poor performance of Reno's office. Florida, unlike other states, is a defense attorney's dream. Miami is the only crime-ridden urban area in America that suffers under a burdensome "discovery" rule, which ties up prosecutors and cops who could be out on the streets fighting crime. The rule mandates that defense attorneys have the absolute right to depose all witnesses for the prosecution, including all police officers, before trial. This means a defense attorney can take a statement under oath from all witnesses and victims, can use the law to compel such statements and can conduct intimidating and extraordinarily broad interrogations, often without a prosecutor present—an extremely time-consuming process. The answers can later be used to impeach the witnesses' and victims' earlier statements or trial testimony. If a victim chooses not to submit to such rigors, charges are dropped. In a 1986 trial of seven police officers accused of robbing and murdering drug dealers, the lead detective investigating the crime was being deposed for a sixteenth day when Reno gave up and sent the case for prosecution in federal court, where there is no defense right to pretrial depositions.

Also, Reno had to deal with unprecedented cocaine-trafficking, a dense and diverse urban population with simmering angers, an enormous influx of refugees from Cuba (an estimated 25,000 of whom, off the 1980 Mariel boat lift, were criminals) and a crack epidemic that sent robbery and burglary sky-rocketing. The caseload crushed her; without the ability to raise taxes and build more prisons, she could do little but watch it happen. Between 1982 and 1992 Dade's serious crime increased 48 percent countywide. In Broward County, one county to the north, the increase was only 5 percent.

Still, in 1992, while Reno's 239 prosecutors in Dade sent 3,276 people to state prison, Broward's 160 prosecutors sent 4,891 people to state prison. This despite the fact that Dade's police made about twice the number of arrests as the police in Broward, which has a much lower crime rate and a much smaller population. Even in relatively sedate Hillsborough County, eighty-one prosecutors were able to send 4,011 to state prison. Reno has argued that these figures merely show that she sent more people into diversion programs such as Miami's novel drug court, which puts nonviolent first offenders into drug treatment instead of prison. Her defenders also point out that the number of people she sent to prison was low because the Dade state attorney's office sends a greater number—about 4,500 in 1993—to the Dade County Jail. Since the state prison system is so overcrowded, they say, serious criminals sentenced to five or more years often serve only a fraction of their time, in many cases significantly less than a year. Why not sentence them to the county jail, where 364 days is the maximum and they can receive drug treatment and other kinds of rehabilitation?

Well, one answer comes from Kenneth Harms, Miami's police chief from 1978 to 1984: "I think many criminals in Dade County believe they can commit crimes and get away with it." Others are more direct. Jeffrey Weiner, a past president of the National Association of Criminal Defense Lawyers, said of Reno in 1988, "I can't imagine a person doing a worse job in that office. Crime in [Miami] is nauseating. There's a wimp mentality in her office. I don't understand why she gets such a free ride."

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To add to these problems, Reno was not like most other prosecutors. Although she came to Washington heralded as a crime-buster who spent her career on the front lines in South Florida, she is not cut from the Rudolph Giuliani mold. She doesn't have a taste for the jugular; she's deliberative, cautious. In Miami she was no fan of harsh crime-fighting initiatives. Her stated priority was "not to convict the guilty, but to protect the rights of the innocent." When she threw her prosecutorial passions into her work, she concentrated on family-oriented cases: child abuse, domestic violence, delinquent child support. Meanwhile, Miami citizens were watching their homes and cars become vulnerable and their streets grow unsafe.

When she fought the crime wars, Reno did so as a general in the tower rather than as a trooper in the trenches. As a prosecutor, she did not hone her craft trying cases, crossing swords with defense attorneys, learning the thrill and anguish of winning and losing. She never spent much time in "the pits," rubbing up against victims and criminals. In fact, no one can remember the last case she personally prosecuted; supposedly, it had something to do with illegal bingo. Rather, her experience is somewhat clinical. Her route to the top was as an administrative assistant in charge of juvenile court and, later, the top-level business of her predecessor, Dick Gerstein. As Miami's top prosecutor, she spent her life rendering legal judgments from behind the desk of her quiet office or making speeches and campaigning in the community.

One event clearly shaped her view of crime-fighting. In 1980, after Reno's prosecutors lost a case against five Miami cops accused of beating a black motorcyclist to death, the inner-city neighborhoods of Liberty City and Overtown erupted in riots, and Miami burned. Eighteen people died, as marauding youths tore through the city chanting, "Reno, Reno, Reno." Reno watched the flames from her sixth-floor office. It was a defining experience. It drove her out into the streets, to prayer breakfasts and chicken dinners, to churches and schools and community centers. It was a precursor of her performance after Waco. "She came out and faced it," said Miami sociologist Marvin Dunn, who wrote a book on the riots. "She went to every meeting and answered every question."

The experience brought Reno closer to the people she served. It drove her deep desire to use the law to protect the family, because the family is the fabric of community. That's why Reno's office was aggressive at pursuing child abuse and dads who don't pay child support, at combating domestic violence, at fighting to improve public housing, at promoting programs aimed at education and employment in the poorest areas, at supporting policies that sent drug offenders into treatment rather than prison.

DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

To this day, Reno waxes sentimental about the calls she used to get from women she helped with child support. She once said the high point of her first ten years was the conviction of Frank Fuster, who was accused of molesting five children at his day-care center in a Miami neighborhood called Country Walk. The Country Walk case became a cause célèbre in Miami, and later in a book, *Unspeakable Acts*, and finally in a T.V. movie. For a time, Fuster seemed the direst criminal in Dade County as Reno's prosecutors struggled valiantly to put together a pioneering child abuse case.

Yet the Country Walk case has since been attacked, both for the paucity of the physical evidence against Fuster and for the alleged coaching of children by Reno's prosecutors. Critics cite it as part of a troubling trend known as "ritual abuse persecutions." And while Fuster has never been exonerated, Reno has been criticized for involving herself so deeply in the case. Unusual for her, she took a personal interest, going so far as to attend prosecutors' interviews with Fuster's wife—the key witness against him. In an extraordinary display, Reno even held hands with her to comfort her at particularly emotional moments.

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Another child abuse prosecution led Reno into one of the unmitigated disasters of her career. In a case with eerie parallels to Country Walk, 15-year-old Bobby Fijnje was charged with molesting several children at a church day-care center. The children reported the alleged crimes to sex therapists, who pushed for prosecutions. Reno's office pursued the case, but the jury acquitted Fijnje; it believed that the therapists and panicky parents planted suggestions in the children's minds.

This "mothering" approach explains Reno's statements during the Waco siege that she okayed the FBI assault partly to save the children from being "abused." And it's the same impulse that has led her to campaign against violence on T.V. where children can see it, rather than on the streets where everyone—including children—feel it. This emphasis—and her avoidance of dealing with people's fears about crime—is a simple extension of her frustrating Miami experience. So, too, is her pledge that her Justice Department won't fight street crime with "promises to build more jails and put all the criminals away." It's noble, of course, and understandable, but there's a flaw in the reasoning, and you can see it on the streets today. The law needs teeth to work. Fifteen years of Janet Reno left Miami a very dangerous place.

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Our guide to the Clinton plan.

CRIME BILL FOLLIES

By Jeffrey Rosen

In *Whigs and Hunters* E. P. Thompson describes the last time a legislature created more than fifty capital crimes with little debate or dissent. English peasants in Waltham, frustrated that they were being denied hunting rights, disguised themselves in blackface and went rampaging through the forests of the great country houses, uprooting trees and destroying fish ponds. Parliament's response was comically ruthless: the Black Act of 1723 made it a death penalty offense to carry arms and wear blackface in public and (with the face blackened) to attack deer, steal conies and hares from warrens, damage fish ponds and cut down trees. By playing on social anxieties, Horace Walpole and the Hanoverian Whigs consolidated their power for decades to come. The Black Act, however, became a populist symbol of parliamentary oppression, and it was finally repealed in 1823.

The crime bill that emerged from the Senate last November is not quite the Black Act. If enacted in its current form, however, it would have similarly perverse effects, and would represent a similarly radical transformation of the relationship between the national and local governments. The bill can still be saved; its damage to federalism and civil liberties can still be minimized. But for these salutary changes to take place, for there to be a modicum of sanity in the overly emotional crime debate, the White House will have to do something it has not yet done: provide leadership. What follows is a guide to the land mines in the politics of crime.

Federalization. The most objectionable features of the Senate Crime bill are the amendments sponsored by Senators Alfonse D'Amato, Phil Gramm and Orrin Hatch that would federalize virtually any state crime committed with a gun and impose a series of new mandatory minimum federal sentences. Chief Justice William Rehnquist and the U.S. Judicial Conference condemned the D'Amato amendments when the Senate first passed them in 1991. (They were discreetly squelched in a House conference.) D'Amato resurrected them on the Senate floor in November; and President Clinton finally opposed them in London, Ohio, on February 15. The Justice Department estimates as many as 600,000 new cases would become eligible for federal prosecution if the amendments become law.

To appreciate the novelty of the D'Amato amendments, it is worth recalling how small the federal government's role in controlling street crime has historically been. The Framers could afford to make jury trials available in all federal criminal cases because—with the exception of piracy, treason and crimes on Indian reservations—there was virtually no federal criminal law until the twentieth century. The war on drugs is responsible for the most dramatic intrusions on states' criminal jurisdiction, beginning with the Narcotics Act of 1914. (To reassure Southern Democrats who were concerned about federalism, sponsors argued that "cocaine is often the direct incentive to the crime of rape by the Negroes of the South.") Even today, however, responsibility for containing drugs and violent crime remains almost entirely with the states.

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According to the Congressional Budget Office, full prosecution under the D'Amato amendments would cost $8 billion per year for court and prison costs, $2 billion more than is currently spent for all other federal offenses combined. In practice, however, the amendments would be largely symbolic: since Congress is unwilling to hire new federal prosecutors to enforce the hundreds of thousands of new federal crimes, only a fraction of them would actually be prosecuted in federal court. And any deterrent value of the draconian laws would be subverted by their sporadic enforcement.

But the D'Amato amendments, although symbolic, would have perverse effects. "Federalization of criminal activity could overwhelm the limited resources of federal law enforcement agencies," FBI Director Louis Freeh said on December 8, 1993. "In addition, it could create unrealistic expectations among the American people." There are also political reasons for the states to retain their traditional responsibility for criminal justice: state prosecutors, judges and policemen are far more responsive to community sentiments than their federal counterparts; and they are better equipped to reflect local views about capital punishment, drug enforcement and gun control, which vary dramatically from state to state. President Clinton now appears to have grasped the importance of federalism—"I am very aware that [crime] is an issue that historically has been dealt with primarily at the local and at the state level," he said in January. By showing backbone in November, the Justice Department could have nipped D'Amato in the bud.

Mandatory Minimum Sentences. What can explain the expansion of mandatory minimum sentences at a time when liberal and conservative commentators, from Janet Reno to William Rehnquist, agree on the need to re-examine them for nonviolent drug offenders? The most obvious culprit is the White House, which has refused to take a position on the issue, and has attempted to delay the release of an analysis of mandatory minimum sentences prepared by former Deputy Attorney General Phillip Heymann. Heymann's report was finished by August, but was kept under wraps until February because, as he told me, "some in the White House thought it would be misconstrued." The report—released on a Friday evening to ensure its burial in the Saturday newspapers—is carefully argued and quietly accusatory. In the past decade, it concludes, the federal prison population has more than tripled, from 24,000 in 1980 to more than 90,000 last December. Much of the increase has been driven by the new sentencing laws, which abolished parole and set mandatory minimum sentences for drug law violations and offenses involving weapons. Sixty percent of all federal prisoners are now drug offenders, as opposed to 18 percent in 1980.

The report concludes that 16,316 federal prisoners—or 21 percent of the entire federal prison population—can be considered "low-level drug law violators": people with no record of violence and no previous jail-time. Seventeen percent of all federal drug prisoners are first-time offenders, serving five- to ten-year sentences for carrying as little as 5.1 grams of crack cocaine. Among the low-level offenders, 42 percent are couriers or drug "mules" who played peripheral roles in drug trafficking; and all of them tend to have very low recidivism rates.

There is only one serious argument for the current sentencing laws: in *The Washington Post* last week a federal prosecutor from Virginia emphasized that his broad discretion to waive mandatory minimum sentences gives him a useful bargaining chip to encourage drug mules to testify against their superiors. But high-level drug dealers are just as likely to testify against the mules as the mules are to testify against their superiors. Consider the case of Steven Ruiz of Long Beach, California, an engineer at McDonnell Douglas. Ruiz went drinking with a friend, who handed him a brown paper package and duped him into passing it to someone who turned out to be an undercover FBI agent. He is now serving a ten-year mandatory minimum sentence, while the dealer who set him up avoided a life sentence by testifying against him. "Why would they spend thousands of dollars to put him in jail for ten years?" writes his wife, Rose Ruiz. "For twenty years he's held down a good job, never been in trouble with the law and the damn real drug guys get off with less time because they talk."

The reason Republicans such as Rehnquist, Strom Thurmond and Freeh support reform of mandatory minimums for drug offenders is not sentimental but pragmatic. Low-level drug offenders are clogging the federal courts and, at the state level, are taking up prisons cells that should be reserved for violent offenders. (After a series of highly publicized assaults by violent criminals who had been released to make room for drug offenders, Florida repealed its mandatory minimum laws in October.) This is why a bipartisan coalition of Senate Democrats and Republicans, led by Edward Kennedy and Thurmond, proposed a "safety valve" that would have allowed low-level, first-time, nonviolent offenders to be sentenced under the federal sentencing guidelines rather than under mandatory minimum provisions. The U.S. sentencing commission estimates that the Kennedy-Thurmond safety valve would have affected only 5.4 percent of all federal drug prisoners, or about 907 people. In a voice vote in November, however, the Senate adopted an amendment by Phil Gramm and Orrin Hatch that guts the Biden-Thurmond compromise by excluding offenders who have bought drugs, sold drugs or financed any part of the offense.

Charles Schumer of New York, chairman of the House Subcommittee on Criminal Justice, last week proposed a safety valve that would waive mandatory minimums for first-time, low-level drug defendants who have "provided to the government all information" about the offense. The Schumer safety valve is narrower than the Kennedy-Thurmond language, which contained no cooperation requirement and excused previous minor offenses, but it is better than nothing. The White House, unfortunately, has continued to waffle. But according to

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Ron Klain, the new counselor to Janet Reno, congressional Democrats "will get our support for a strong safety valve." This is a promising change: a clear endorsement of a meaningful safety valve would be Clinton's most useful contribution to the politics of crime.

Three strikes. "I don't think anybody in the Justice Department knew about the three strikes proposal before [Clinton] mentioned it in the State of the Union," Heymann told me. He then recited the now familiar arguments against three-strikes laws: only 1 percent of crimes are committed by people over 60; it makes sense to lock up violent offenders from ages 20 to 50, but not from 50 to 80; repeat offenders are already guaranteed long prison terms by the U.S. sentencing guidelines, which require fifteen-year sentences for third-time violent offenders and thirty years for someone who commits murder with two prior offenses.

Even if Heymann's criticisms prove true, it's still possible to defend three-strikes laws on retributive grounds—as long as they're drafted narrowly enough to cover only the most violent offenses. Unfortunately, the Senate bill contains three separate three-time loser provisions; and all of them cover crimes against property as well as persons. The narrowest of the three, sponsored by Senator Trent Lott, requires life imprisonment of any defendant who's convicted of a federal "violent felony" after two state or federal "violent felony" convictions. Lott then refers to a section of the U.S. code that defines "violent felony" as a crime involving physical force against persons or property, punishable by at least five years.

The other three-time loser provisions are even more sweeping. Section 2408 of the bill, sponsored by Gramm, would cover felony drug offenses as well as crimes against people and property. D'Amato's three-time loser provision would lock someone up for life for "touching a firearm" in the course of three minor felonies against persons or property: a person who broke into a car three times, or kicked a hubcap while hunting on an Indian reservation, would get the same sentence as an unrepentant three-time rapist.

Nevertheless, White House negotiators this week, led by Klain, have proposed a genuinely narrow three-time loser provision: the third felony must involve "physical force against persons" punishable by a maximum of ten years. (The only exception is arson.) Schumer and other House Democrats are considering the possibility of adding another safety valve for three-time losers over the age of 60 who are sick or no longer dangerous. ("If people want to send home the 60-year-olds, I think that's fine," says Klain.) As long as the White House language is adopted, the three-strikes law should be relatively innocuous and perhaps even useful: Klain estimates that it would cover about 200 people per year, as opposed to the Lott provision (284 people) and the D'Amato provision (689 people). The most tangible benefit of a federal three-time loser law, however, would be to increase the bargaining power of prosecutors, who would retain the discretion, through plea bargaining, to ignore prior offenses if they choose.

Death. Finally, there are the fifty-four new federal death penalties. In considering them, it's useful to put federal capital crimes in perspective. The last federal execution took place in 1963; and even before then, federal executions were extremely rare. (Between 1930 and 1962 there were only thirty-four federal executions, while the states executed 3,812 people.) Every federal execution, furthermore, was limited to the tiny group of crimes in which the federal government has had a traditional interest: espionage, murder on an Indian reservation, murder on the high seas and so forth.

All of this changed in October 1988 when Congress, inflamed by George Bush's campaign rhetoric, passed an amendment sponsored by D'Amato imposing the death penalty for drug kingpins. The amendment is an affront to federalism: for the first time, citizens of the thirteen states where capital punishment is illegal can be executed for crimes committed within the state's jurisdiction. Nevertheless, the death penalty for kingpins has proved to be little more than a symbol: the Bush administration sought the federal death penalty in only five cases in three years, and persuaded a jury in only one case. At this rate, we're unlikely to have a federal execution before the turn of the century.

The current Senate bill, however, includes a far more revolutionary amendment from Senator D'Amato. It would extend the federal death penalty to any murder committed with a gun that has "moved at any time in interstate or foreign commerce." This would expand the number of federal capital crimes by a factor of ten. (There are currently only 120 murder convictions per year in federal court, about half of them for crimes committed on Indian reservations; but there are 22,000 homicides nationwide.) Negotiators for Senate Judiciary Committee Chairman Joseph Biden predict that the D'Amato amendment may be squelched again in the House-Senate Conference, as it was in 1991. But they are less sanguine about another provision of the Senate bill, section 213, which would extend the death penalty to any homicide committed with a firearm during the course of a drug crime. Since at least 10 percent of the 22,000 homicides a year are drug-related, this would expand the death penalty far beyond its traditional boundaries.

During the debate on the Senate floor, liberals and conservatives were equally selective in their concern for federalism. When Senator Paul Simon proposed an amendment that would prohibit states from executing juveniles, conservatives such as D'Amato and Hatch fretted about states' rights. The next day, Russell Feingold, a liberal Democrat from Wisconsin, quoted Hatch's words back to him during the debate over D'Amato's amendment to extend the death penalty to all gun murders committed by adults. No senator took

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the principled position—that the federal government has historically stayed out of the death business in all but the most limited circumstances.

The crime bill, everyone agrees, will not pass without some new federal death penalties. Since Clinton can no longer avoid drawing some lines in the sand, he might embrace something like the following position. The most radical death penalty provisions in the Senate bill should be removed—the D'Amato amendment, section 213 and the death penalty for drug kingpin offenses that don't even result in death. (The Justice Department testified that this is unconstitutional.) The rest of the death penalties could then be defended as a revival of the arcane, and interstitial, capital crimes that the Supreme Court invalidated on procedural grounds in 1976.

The fate of the four pillars of crime politics—federalization, mandatory minimums, three strikes and the death penalty—shows the dangers of making national policy in an atmosphere of street theater. In all four areas, the Senate Judiciary Committee reached sensible compromises that were undone on the floor of the Senate during a few days of Black Act-style debate. In each of the four areas, there is still time for the House to restore a more benign balance; but the refinements won't hold without clear leadership from the White House. Unfortunately, taking firm positions about crime is something that President Clinton, until now, has managed to avoid. •

Box of Pain

What does the Grateful Dead, America's most popular live musical act, a band whose devoted following helped it sell 1.8 million concert tickets and gross $47 million last year, have to do with mandatory minimums? Quite a bit.

Five years ago, no more than 100 Deadheads were believed to have been in jail. But today, up to 2,000 fans are in state or federal prisons, serving prison sentences as long as half, equal to or even double their age. Why? They are victims of mandatory minimum sentencing laws, which routinely give small-time drug offenders—with no history of violence—longer prison terms than felons convicted of the most heinous crimes.

Take Deadhead Fred Anderson, who is serving eight years and nine months without parole. If Anderson had tried to kill a man, raped a woman, kidnapped a child, held up a liquor store or stolen $80 million or more, he would be spending less time in jail. Anderson's crime? In 1989, as a 32-year-old college student, he sold his brother-in-law Lysergic Acid Diethylamide (LSD). Anderson's incarceration comes at a minimum total cost of $150,000 to taxpayers. Worse, it comes at the expense of prison space that could go to violent criminals: nonviolent inmates like Anderson now comprise 21.5 percent of all federal prisoners. Unlike Anderson, however, more than two-thirds of incarcerated Deadheads are in their late teens or 20s.

Dead fans and their families have joined in the fight against mandatory minimums. Magazines that cater to Deadheads, such as *Relix*, with a circulation of 50,000, and *Dupree's Diamond News*, its smaller rival, routinely publish letters from prisoners. Deadhead inmates produce newsletters such as *U.S. Blues* and *Midnight Special*. The Dead community, it seems, is doing all it can. Sadly, the same cannot be said for the band.

If the Grateful Dead were apolitical, its lack of involvement would come as no surprise. But it isn't. Band members have held benefit concerts, donated album proceeds, collectively presided over single-issue press conferences and routinely granted interviews to talk about other (less controversial) political concerns, such as the environment and rain forest preservation. A few years ago, for example, co-lead guitarist Bob Weir wrote an article for *The New York Times* op-ed page about preserving Montana's wilderness.

Grateful Dead publicist Dennis McNally declined to explain this apparent inconsistency. But it looks like the band is trying to deny its own association with drugs. The Grateful Dead were pioneers with LSD in the '60s. Band members talked (and sang) about their own drug use with "reckless frankness," says McNally. Their hallucinogenic antics were chronicled in Tom Wolfe's *Electric Kool-Aid Acid Test*. In addition to being America's longest-running and most successful band, the Dead is the most influential progenitor of psychedelic rock.

But you wouldn't know that from what band members say now. The Grateful Dead publicly discourages illegal drug use at its concerts. Even the band's philanthropic donations appear to be driven by the same concern. In 1992 and 1993 the Grateful Dead, through its Rex Foundation, gave $10,000 each year to the Washington, D.C.-based lobbying group Families Against Mandatory Minimums. While that sum is not insignificant for FAMM, it is pocket change for the Rex Foundation, which last year gave away nearly $1 million. Rex gives standard grants of $10,000 to dozens of ecological and social causes. Although the band finally made a statement about mandatory minimums at its inauguration to the Rock 'n' Roll Hall of Fame in January, it has nonetheless decided not to make a more significant contribution to this cause—the only one that directly affects its followers.

What the Grateful Dead and others who inhaled have lost sight of is that the debate now has less to do with appearing to condone drug use than with fairness. Last fall, an American Bar Association poll found that 90 percent of federal judges are against mandatory sentencing laws. In February *The New York Times* editorial page lambasted "the nation's foolish sentencing policies," adding that we should "expect more courage" from the attorney general and the administration. Many Deadheads expect more courage from the band. (Others have gone through wild intellectual contortions to explain the Dead's noninvolvement. *Dupree's* has received letters claiming that band members "are being forced, with the threat of their own incarceration, to keep touring, so the Feds can keep filling their bust quotas.")

Having contributed to the popularity of psychedelics, the Grateful Dead has the money to make a difference. It also has the influence. No band has a more devoted following among Washington's elite: John Kerry and Al Gore, among others, go to Dead shows; president-elect Bill Clinton invited the group to perform at his inauguration. How long will it be before the Grateful Dead puts its money where its music is?

FRANK SMYTH

Frank Smyth is a free-lance journalist.

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BOOKS & The Arts

Stanley Kauffmann on Films

The Lower Depths

In their journals the Goncourt brothers record that, on December 14, 1868, Emile Zola came to lunch:

> He talked about how hard his life was, how much he needed and would like to find a publisher who would give him 36,000 francs at the rate of 6,000 per year, so that he might be assured a livelihood for himself and his mother and thus be able to write the "history of a family" that he had in mind, a novel in eight volumes.

Things worked out for the 28-year-old Zola, and he wrote that history of a family, the Rougon-Macquarts, which in fact ran to twenty volumes.

Those novels are of immense importance both to the rise of naturalism and to its assumption of a place amidst the resources of literature. (After a style has burst forth in any art, and has aroused discussion, it then mildly takes its place in the family of styles, along with others that once, too, ruled the roost when they were new.) But Zola's novels also had a marked effect on the theater and, in time, on film.

In 1902 the French director André Antoine produced a dramatization of one of them, *La Terre*, at his theater, and after he moved into cinema, he filmed it in 1919. One of the first films I ever reviewed was *Gervaise* (1957), made from *L'Assommoir*, about a Paris washerwoman; she is the mother of the hero of the latest Zola film, **Germinal** (Sony Pictures Classics), and is referred to in this new picture by her son. *Germinal*, published in 1885, has previously "inspired" a French film in 1912 and was itself filmed by Yves Allegret in 1963. And all these are only a few instances of the way that Zola's fictional family's lineage has intertwined with the lineage of French theater and film.

Claude Berri, who directed this latest *Germinal*, continues his own evolving career. He began with such glop as *The Chicken* and *The Two of Us* but has grown into a director of epic sweep comparable to Bertrand Tavernier. *Jean de Florette* and *Manon of the Spring* were large-sized in every good way, and *Uranus*, set in postwar France, though it didn't quite succeed, had the same sense of size, understood and embraced.

With *Germinal*, the very first shot is reassuring. Night. A few lights. The camera pans slowly and discovers, at a distance, the works at a coal mine head, fires blazing, giant gaunt structures casting shadows, men and heavy horses moving like figures in a hell transposed to the surface of the earth. As we approach, we are stunned by its stark, somehow complex simplicity. The cinematographer was Yves Angelo, who did *Tous les Matins du Monde*, *The Accompanist* and *Un Coeur en Hiver*, all of which were refined work. Here Berri brings him into a broad spectacular mode, without abandoning his former delicacy. This opening sequence shows why naturalism and the theatrical were made for each other; later interiors, of miners' hovels and of managers' villas, are like the best traditional painting of the time.

That time is the late 1860s. The place is northern France. Berri, with a screenplay on which Arlette Langmann collaborated, carries us through Zola's account of Étienne Lantier, who arrives looking for work in the mine, is taken on as a hauler, boards with a miner named Maheu, his wife, Maheude, and their family. Étienne soon plunges into the realties of mine work, the intricacies of social-sexual relations among the miners and their women (some of whom work in the mine), the simmerings of revolt against the wretched and dangerous conditions of their lives. Counterpointing these elements are the lives of the bosses, ultra luxe, elegant, frivolous. Eventually there is a strike; eventually, too, there is terror and bitter resolution. (A reminder here of another film about a labor struggle, Monicelli's magnificent *The Organizer*, made in 1963.)

All of these components Berri handles with clarity, immediacy, engaging pace. If we begin to feel uneasy about Berri's brusque juxtaposition of miners' grub with the pheasant and *pâtisserie* at the rich tables, we can remember that Berri is simply following Zola's blueprint. If the opposition looks too blunt here, it's not Berri's fault: it's because prose, the very being of prose itself, acts as buffer between contrasting elements; quick cutting from one place to another doesn't afford that kind of buffer in film.

FILMS WORTH SEEING

Belle Epoque. *Warmth, sex, fun and wisdom in this Spanish film set in 1931. Fernando Trueba wittily directs a first-class cast. (Reviewed 2/21/94)* **Schindler's List.** *A true account of the Nazi who saved hundreds of Jews from Nazi extinction in wartime Poland. All thanks to Steven Spielberg for this monumental work. (12/13/93 & 1/24/94)* **Philadelphia.** *Disregard the complaint that it doesn't tell us* everything *about homosexual life and* AIDS. *It tells much—especially through Tom Hanks's utterly committed performance. (1/10&17/94)* **The Wonderful, Horrible Life of Leni Riefenstahl.** *This three-hour documentary lives up to its title. (Note only that it gives just one side of the story—hers.) The 90-year-old filmmaker looks back on her career in Hitler's Germany, and much else. (3/14/94)* **—SK**

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But, sadly to note, despite the patent sincerity of Berri's work, this rendering of *Germinal* isn't fulfilled—because (which is quite unlike him) there are three major miscastings. Étienne, Zola's 21-year-old hero, is played by Renaud, the mono-named popular singer who is much too old and, more importantly, dull. Renaud has no warmth or depth. For instance, he warns others about his fierce temper, but when it explodes, it is merely an action done on cue.

Judith Henry plays Maheu's oldest daughter, with whom Étienne falls in love but who is involved with another miner, Chaval. She, too, is dull. The descriptions of her effect on her admirers, the violence she provokes between them are not credible.

The biggest drawback is the biggest name, Gérard Depardieu, who is Maheu. Many have remarked about his ample girth in this role of an underfed miner, but what's worse, he seems only a plump visitor to the film. Depardieu is an overwhelmingly gifted man with breathtaking range—the city man as farmer in *Jean de Florette*, the title role in *Danton*, the anguished priest in *Under the Sun of Satan* are just a few instances. But sometimes Depardieu-the-reputation smothers Depardieu-the-actor, as in *Cyrano*, which he merely bullied his way through, and here. He seems consciously the star willing to take a non-star role, becoming in some scenes a member of the mob, yet both bland and obtrusive as such.

These three people weaken a film that contains some fine acting: Miou-Miou as Maheude, who has to deal with three deaths in her family; Jean-Roger Milo as Chaval, rough and frightening as Étienne's rival; Jacques Dacquemine as the mine manager, full of craggy self-confidence in his dealings with the dissident men; Jean Carmet as the half-maddened old miner who coughs coal dust; Laurent Terzieff as the anarchist miner who despises his co-workers because they want merely to strike, not destroy.

But these performances, vivid though they are, are not positioned to give the film the central verity that it needs; and Berri's directing, as such, can't fill the gap. This is a fundamental, vitiating flaw. When we see *The Organizer*, we never ask why we need a film about early labor struggles at this late date: Marcello Mastroianni, Folco Lulli and all the cast seize us, draw us in. But when *Germinal* ends, for all its assets, we do ask why we need it today. The question wouldn't arise if the principal actors had brushed it away. •

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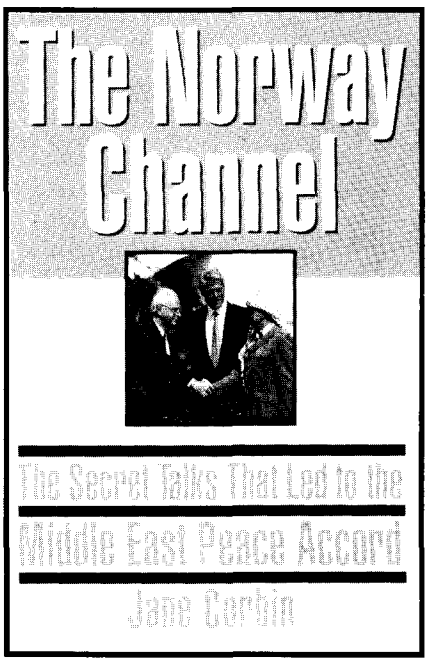

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The seductions and betrayals of Weimar opera.

The Golden Age of Kitsch

By Richard Taruskin

I.

First complete recordings of two famous yet unknown operas, both dating from 1927, have been issued by Decca/London amid huge fanfare, to inaugurate a projected series of releases devoted to the music of German composers who for reasons of race, taste or politics fell out of favor with the Nazi regime. One is *Jonny spielt auf* ("Johnny goes to town"), the fabled "jazz opera" by Ernst Křenek, which was first performed in Leipzig on February 10. The other, vastly dissimilar, is *Das Wunder der Heliane* ("Heliane's Miracle"), the most ambitious of Erich Wolfgang Korngold's five operas (and the only one from which resonances from "light music" were resolutely, if not altogether successfully, excluded), which was presented for the first time in Hamburg on October 10, exactly eight months later, near the start of the next season. The Decca/London series takes its name, *Entartete Musik*, or "Degenerate Music," from the name of an exhibition that was organized in Düsseldorf in May 1938, echoing the infamous show of paintings held the previous year in Munich under the rubric *Entartete Kunst*, or "Degenerate Art."

The Nazi concept of artistic degeneracy was incoherent and opportunistic, and so is Decca/London's marketing strategy. It took very little to run afoul of the Nazis then, and it costs very little to deplore them now. Their opposition, especially when it was passively incurred, conferred no distinction, unless their approval is thought to confer distinction on the likes of Beethoven or Wagner. There are no lessons to be learned from studying the Nazi index of banned musical works, which, like the Nazi canon, contained masterpieces, ephemerae, kitsch and trash, covering a wide stylistic and ideological range.

The record company's implied invitation to join in a chorus of ritual execration against the least risky of all the great Satans is, at best, an invitation to complacency. Worse, it smears issues of real moment—the social responsibility of artists, or the social value of high art—with a tar brush, and blunts criticism of the works that it presents. Like a documentary that I saw recently glorifying the history of rock 'n' roll, in which the only dissenting sound bites came from spokesmen for the White Citizens Council, the promotional campaign implies a threat: like it or be lumped. There are less trivializing reasons to welcome these records.

The incoherence of the degeneracy concept, whether viewed from the side of the Nazis or from the side of the angels, leads to ironies that can be comical. In its press package, Decca/London circulates to reviewers a documentary videotape that includes a film sequence of Hitler opening a government-sponsored museum for official German art. I'm sure that the idea was to accompany the footage with the portentous strains of something like Siegfried's *Trauermarsch* from *Götterdämmerung*, the standard Nazi pomp-and-circumstance item; but instead the sound track editor came up with another Wagnerian *Trauermarsch*, the one that opens the Fifth Symphony by the archdegenerate, Mahler, who was classified by one Nazi race-critic as "the fanatic archetype of the Eastern Jewish Rabbi" and denounced by another for "wishing to achieve by force a bond with the spirit of German music that is forever denied him by blood." Never mind. Mahler's music fits the scene to perfection, for it is replete with all the "ferocity of Siegfried's funeral music—breathtaking in its violence as well as its grandeur" that for Paul Lawrence Rose, an essentialist from the other camp, stamps Wagner's music as intrinsically anti-Semitic. *That* simple things never were.

Das Wunder der Heliane
Erich Wolfgang Korngold
RSO Berlin
conducted by John Mauceri
(Decca/London 436 636-2, 3 cds)

Jonny spielt auf
Ernst Křenek
Leipzig Orchestra
conducted by Lothar Zagrosek
(Decca/London 436 631-2, 2 cds)

The Nazis derived their concept of degeneracy in part from the theories of the nineteenth-century psychiatrist Cesare Lombroso, who sought through science to account for criminal proclivities and thereby (the chilling part) to predict them, by identifying the "born criminal" or *l'uomo delinquente* as a distinct anthropological "type" with measurable physical and mental "stigmata." (Lombroso checked particularly for imperfections in the shape of the outer ear.) Such "stigmata," Lombroso asserted, were the product of a morbid genetic atavism brought about by inbreeding (the Nazis added miscegenation), or by what we now call substance abuse.

The application of these theories to art and literature was first made by Lombroso's disciple, the Hungarian physician Max Nordau, in a two-volume blockbuster baldly titled *Entartung*, which appeared in 1892-1893 and went through many printings. (The anonymous English translation, *Degeneration*, had reached its fifth edition by 1895, and it is appearing again this season from the University of Nebraska Press.) Nordau drew abundant sensational connections—or more precisely, asserted lots of facile analogies—between genetic mental or physiological decay as described by Lombroso and fin de siècle "decadence" in the arts, which amounted, from Nordau's hawkishly middle-class perspective, to "contempt for traditional views of custom and morality." Nordau maintained that the eroticized mysticism of the pre-Raphaelites and the Symbolists, the egomania of the Parnassians and the Aesthetes (with special attention to Wilde and Nietzsche), the gruesome naturalism of Zola and his epigones, all had the same pathological basis.

That this was pseudoscience in the service of philistinism is confirmed by the nature of the "evidence" that Nordau adduced, entirely speculative and tautological:

> There might be a sure means of proving that the application of the term "degenerates" to the originators of all the fin de siècle movements in art and literature is not arbitrary, that it is no baseless conceit, but a fact; and that would be a careful physical examination of the persons concerned, and an inquiry into their pedigree. In almost all cases, relatives would be met with who were undoubtedly degenerate, and one or more stigmata discovered which would indisputably establish the diagnosis of "Degeneration."

Most circular of all is the proof of

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mental degeneracy in authors and artists:

> Science has found, together with these physical stigmata, others of a mental order, which betoken degeneracy quite as clearly as the former; ... so that it is not necessary to measure the cranium of an author, or to see the lobe of a painter's ear, in order to recognize the fact that he belongs to the class of degenerates.... Quite a number of different designations have been found for these persons.... Lombroso speaks of "mattoids" (from *matto*, the Italian for insane), and "graphomaniacs," under which he classifies those semi-insane persons who feel a strong impulse to write.

Contemplating Nordau's 566 pages of drivel, one feels he might well have measured a few craniums at home. But what is ultimately redeeming, even endearing, is the kicker, the supreme irony: Max Nordau (né Südfeld) was not only a Jew, he was an early Zionist leader; mattoid number one, for him, was Richard Wagner; and among the chief symptoms of moral insanity (that is, decadence) in his diagnosis were anti-Semitism and what he called "Teutonomaniacal Chauvinism." "The Bayreuth festival theater," he wrote, "the *Bayreuther Blätter*, the Parisian *Revue Wagnérienne*, are lasting monuments by which posterity will be able to measure the whole breadth and depth of the degeneration and hysteria of the age." Needless to say, many copies of Dr. Nordau's *Entartung* must have fed Dr. Goebbels's bonfires even as the book's theses were being oh-so-selectively appropriated to fuel the latter's propaganda mill.

So just this once let's forget the Nazis. They had nothing to do with Křenek's opera or Korngold's opera. They didn't even ban them. They didn't have to ban them, for both works had fallen out of the repertory by 1933. True, the Reichsmusikkammer, the official administrative body for music that was first figureheaded by Richard Strauss, retained a special nostalgic horror of *Jonny spielt auf*. It made the blackface title character into the apelike saxophone-tooting emblem of the Entartete Musik exhibition, and it indexed the Austrian Catholic composer (along with other specially favored gentiles such as Alexander Glazunov, Maurice Ravel, Erik Satie and Camille Saint-Saëns) as an honorary Jew. (In Křenek's case, the classification was "*jüdisch versippt*," or Jewish by marriage.)

It is also true that *Das Wunder der Heliane* has a nude scene; but so does Reichsmusikkammerdirektor Strauss's *Salome*, the most brazenly pornographic of operas, in which an arch-fin de siècle text by the archdegenerate Oscar Wilde

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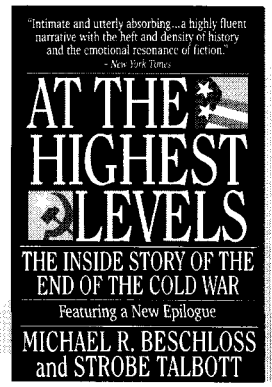
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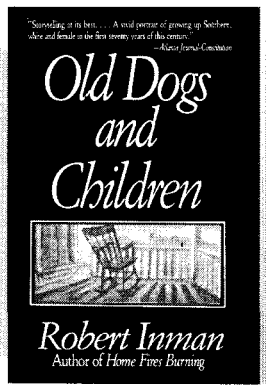
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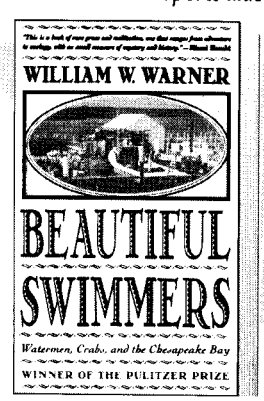

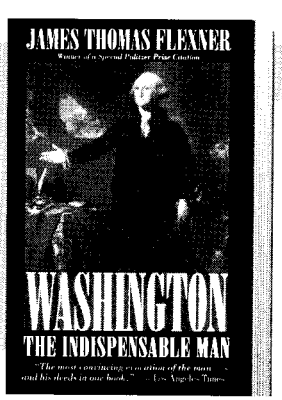

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is garishly set off in leering, lily-gilding harmonic and orchestral colors. *Salome* played steadily to good Aryan audiences throughout the Hitler years. Yes, Strauss's opera ends as if in deference to the Hays Code, visiting retribution upon the royal stripper, while Korngold's royal stripper achieves a blasphemous apotheosis. But the reason for *Salome*'s survival was simply the venerable name of its composer—"international celebrity, German, late romanticist, advocate for copyright protection and senior citizen," in the words of Pamela Potter, America's best-informed historian of the Nazi musical establishment. (It was his interest in lengthening the term of copyright for composers that induced Strauss to seek a bureaucratic post.) Strauss's collaboration, like that of Wilhelm Furtwängler, offered the Nazis the most potent insurance they could buy against the charge of barbarism. Which is why, for the Nazis, the first question about a work of art was never, What does it say? It was, Who is speaking, friend or foe?

Thus the Slav-blooded, naturalized Parisian Igor Stravinsky, because he was assumed to be a foe, became an exhibit in the Düsseldorf show. The mortified composer, through his German publisher, B. Schotts Söhne, protested to the German Bureau of Foreign Affairs at his inclusion, explicitly disavowing "Jewish cultural Bolshevism" and objecting in particular that the insulting caption under his portrait in Düsseldorf read, "Whoever invented the story that Stravinsky is descended from Russian noble stock?" As he had previously taken the precaution of submitting an affidavit to his publisher, in lieu of the Reichsmusikkammer's official questionnaire establishing Aryan heredity (and as the publisher had placed an item in the papers quoting Richard Strauss on Stravinsky's enthusiasm for Hitler's ideas), he was able to receive the satisfaction of a declaration from the German government affirming its "benevolent neutrality" toward him, and his career suffered no further setbacks in the Third Reich until the war. In 1938 he came to the German capital and recorded his ballet *Jeu de cartes* with the *ganz judenrein* Berlin Philharmonic Orchestra.

And it was because he was a national of an Axis ally that Bela Bartók, like the composers of Mussolini's Italy, was assumed to be a friend of the Reich, and was therefore left out of the exhibition of Entartete Musik. The Hungarian composer, who had refused his publisher's request to fill out what he called "the questionnaire about grandfathers," attached the E-word to himself in protest at his exemption, and tried to prevent the performance of his music in Germany and Italy. Early in 1939 he wrote to an official of the Deutscher Rundfunk about his own First Piano Concerto, that he was "astonished that such 'degenerate' music should be selected for—of all things—a radio broadcast."

As to the latest appropriation of the Entartete cachet, I mean Decca/London's, how does it apply to Hindemith's opera *Die Harmonie der Welt*, a musical biography of the astronomer Johannes Kepler that was not even written until the Nazis were more than a decade gone (and which had its all-too-peaceful premiere in Munich)? Hindemith's opera is slated for inclusion in the Decca/London series. But what can it mean to call this severe, cerebral work degenerate? Who ever called it that? No, the Nazis are just a perverse window dressing here. Their negative imprimatur, the record company thinks, will move its merchandise. Now *that* is degenerate.

Courtesy London Records

KORNGOLD AT HAMBURG PREMIERE OF *HELIANE* (1927)

II.

What makes these first releases fascinating is not what they have to say about the Nazis, but what they have to say about the artistic atmosphere of the Weimar Republic, which had a thriving operatic economy—the last truly thriving, that is, consumption-driven, economy in the history of opera. Composers wrote for a market. Their work was in demand. They strove not for eventual immortality, but for immediate success. Producers could recoup their investment in new works and sometimes exceed it, so they sought out new works. Premieres were more noteworthy than revivals, and commanded the interest of the press.

Was this a degenerative ecology? Did it lead to exploitative "populist" formulas, or to weak imitation? No, it was synergistic; it led to experimentalism and to emulation, with the aim of surpassing previous standards of novelty and distinction. The most lasting fruit of this efflorescence was Berg's *Wozzeck*, which now enjoys the aura of a modernist classic, entailing the myth of its countercultural status, its difficulty of comprehension (much abetted by an esoteric literature that has grown up around it since the 1950s) and its victory over suppression. (Anyone who remembers its belated premiere at the Metropolitan Opera in 1958 will remember the way its underground status was touted.) What is missing from this account is the story of *Wozzeck*'s early market success. Between its premiere in Berlin in 1925 and the advent of the National Socialist regime eight years later, this very demanding opera had seventeen productions in Germany, including some productions at small provincial houses, and ten abroad. No opera produced anywhere since 1933 can match that record of quick, widespread public success.

But during the Weimar years several operas exceeded it. Hindemith's *Cardillac* (1926) had sixteen productions during its first season alone; Weill's *Der Zar lässt sich photographieren* (The Tsar Allows Himself to be Photographed, 1928), recently revived in Santa Fe, had twenty-one; the forgotten *Maschinist Hopkins* (1929), by the forgotten Max Brand, scored twenty. The champion as of its day was *Jonny spielt auf*, which racked up forty-five productions and 421 performances during the 1927-1928 season, and carried another opera of Křenek's, a flimsy "burleske Operette" called *Schwergewicht: oder die Ehre der Nation* (The Heavyweight: or The Nation's Pride), to impressive statistics on its coattails. Even *Jonny* was beaten, though, by a flashy Czech import: Jaromir Weinberger's *Schwanda, der Dudelsackpfeifer* (Schwanda the Bagpiper,

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1927), from which a "Polka and Fugue" was once a pops-and-proms specialty; it reached 600 performances in Germany within two years, and had another 200 or so before dropping into Lethe after four seasons.

Sudden eclipse was part of the bargain. An opera had its place in the sun if it managed to earn one, and then it moved out of the way. Ephemerality was not just the price of a booming operatic economy, it was also the proof; it implied a constant interest in the new. It was not because *Schwanda* lost the stage after its allotted span that its composer committed suicide in Florida in 1967, or because his three subsequent operas (including a *Lide z Pokerflatu*, after Bret Harte's story, following the vogue for all things American) failed to duplicate his early success. It was because Weinberger, in nearly three decades of Hitler-induced exile, could find no outlet or opportunity for his chief calling. The nurturing operatic ecology that sustained Weinberger, and Berg, and Weill, and Křenek, and Hindemith had come to an end, not only in Germany but everywhere. And the Nazis were not the culprits.

What had happened? Most obviously and proximately, the Depression, which closed many theaters beginning in 1931, and forced impresarios to flee from the copyrighted contemporary repertoire into the public domain. But whereas the spoken theater eventually regained and surpassed its previous artistic and economic levels, contemporary operatic culture was effectively killed. So what killed it?

Talkies. Which were really singies, even without songs. The movies did not only pre-empt the operatic audience. At a profound level, the movies became the operas of the mid- to late-twentieth century, leaving the actual opera houses with a closed-off museum repertoire and a specialized audience of aficionados, rather than a general public hungry for sensation. With the advent of the sound film, opera found its pre-eminence as a union of the arts compromised, and its standing as the grandest of all spectacles usurped. The kinds of subjects that had been its chief preserves—myth and epic, historical costume drama, romantic melodrama, fast-paced farce—suited the new medium even better. Actors and actresses on film were literally, not just metaphorically, larger than life. The mythic aura of the diva attached itself irrecoverably to them.

Cinematic transport to distant times and climes was instantaneous. Evocative atmosphere, exotic or realistic, could be more potently conjured up on film than on the best-equipped operatic stage, and the narrative techniques of the movies were unprecedentedly flexible and compelling. Film, in short, could keep the promise of romanticism, and preserve its flame more effectively than opera, which had been the romantic art par excellence. At the inward, expressionist extreme, Schoenberg saw in movies the potential for "the utmost unreality" and the unmediated visualization of music "not as dream" (as in opera), and not through sign or symbol, "but as chords, the play of colors, forms." At the opposite extreme, movies could far more adequately represent the effervescence of modern urban life.

To the extent that music gave opera a reason for being by enhancing scale, magnifying characters, providing imaginative transport and framing possibilities that went beyond those of the spoken theater, it found itself trumped in turn. (Now, with opera *in extremis*, there is a perverse, somewhat forlorn impulse to borrow back its former glory from the movies: William Bolcom's *McTeague* is a replay of Erich von Stroheim's silent classic *Greed*, and it was produced by the Chicago Lyric Opera under the direction of Robert Altman; another movie director, Herbert Ross, has been hired by the Los Angeles Opera to stage *La Bohème*, already a Metropolitan Opera

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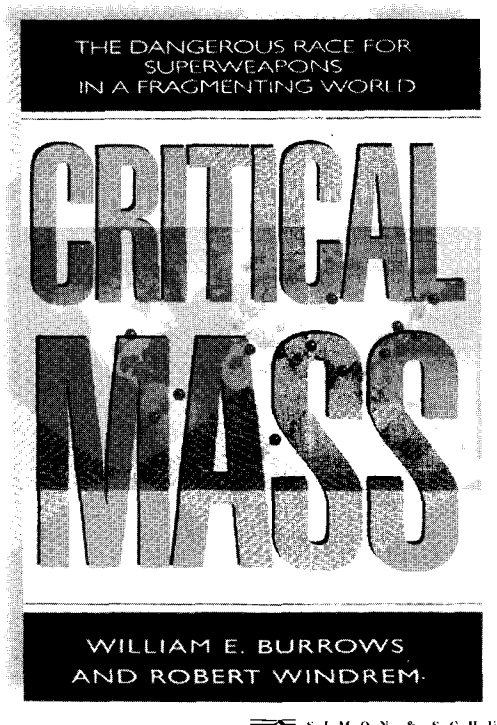

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specialty in a version by Franco Zeffirelli; and Ezra Laderman's *Marilyn* and Dominick Argento's *Dream of Valentino* have been presented this season at the New York City Opera and the Washington Opera, respectively.)

But what of music as a delineator or inducer of mood, as emotional expression, as sheer sensuous presence? Here, at least, opera would always reign supreme, or so you would have thought. But it turns out that the movie sound track can be remarkably like an operatic score in its function, if not necessarily in its sonorous means. Both have the effect of surrounding an action in a metaphorical, sonic ambience that represents and objectifies feeling. Cinematic characters, like operatic ones, do not hear, as characters, the sounds that attend their behavior. They live in the sounds and through them. When music is actually performed in the course of the action, which happens in almost every opera and every film, a fascinating and endlessly variable tension is set up in both media between two levels of musically represented reality. (Carolyn Abbate, who has done the most to explore this code and the way that audiences learn to read it, calls the heard melodies the "phenomenal music" of opera or film and, borrowing from Plato by way of Kant, calls the unheard melodies the "noumenal music," for they represent what is within the world of the artwork a more essential reality.)

It is by no means stretching a point, therefore, to say that movies are the operas of the twentieth century. The creative energy that used to be invested in the opera business now goes into the movie industry; and the blockbuster emotional experiences that operas used to deliver are now far more dependably administered by the big screen. All that opera can uniquely claim (and it is, of course, a big thing) is the charismatic dramatic singer. But the charismatic opera singers of today, and they are notoriously few, exercise their numinous powers almost exclusively in the museum repertory, not in the contemporary one. Contemporary composers of operas do not even call upon their services—unless, like John Corigliano in *The Ghosts of Versailles*, they are trading in pastiche, which is another way of acknowledging the eclipse of opera as a contemporary art.

The transmutation of opera into film is neatly—well, a bit too neatly—epitomized by the career of the Viennese composer Erich Wolfgang Korngold, who wrote *Das Wunder der Heliane*, and once tied with Schoenberg in a local newspaper poll as the greatest living composer. When his flourishing, Mozarteanly precocious career as a composer for the German musical stage was disrupted in 1938 by the Anschluss, Korngold (who had already followed the director Max Reinhardt to Hollywood to arrange Mendelssohn's music for Reinhardt's film of *A Midsummer Night's Dream*) accepted a contract as a staff composer at Warner Brothers. Between 1935 and 1946 he furnished original scores for nineteen films, and won two Oscars. After *Die Kathrin* (an operetta, but with continuous music, that was already in progress when he went to America), he never wrote another opera.

Maria Bussa als Heliane in der Uraufführung von Erich Wolfgang Korngolds Oper Das Wunder der Heliane im Stadttheater zu Bamberg

Courtesy London Records

MARIA HUSSA AS HELIANE (1927)

Except that he was writing opera all along. Korngold never had to adapt his style in any way to the exigencies of the new medium; it was perfectly suited. The style of Viennese opera that Korngold inherited and extended became the Hollywood style of the '30s and '40s, as established not only by Korngold but by such other Central European immigrants as Max Steiner, another Viennese prodigy, nine years Korngold's senior, who was in Hollywood as early as 1929. It was Steiner who pioneered the techniques of "underscoring," or putting continuous, leitmotif-laden "noumenal" music behind the dialogue, and this enabled the mutation of opera into cinema. (Korngold and Steiner were inevitably cast as rivals, but friendly ones. The anecdotes are legend: "How is it, Korngold, that for the last ten years my music has been getting better and yours has been getting worse?" "That's simple, Steiner, you've been stealing from me and I've been stealing from you.")

Perhaps the finest operatic scene that Korngold ever wrought was the love scene from *Anthony Adverse* (1936), his third original score and one of the two scores that earned him an Academy Award. The opulently swooping, restlessly modulating music could be spliced right into *Das Wunder der Heliane*. The Tristanesque "Night" sequence from *Another Dawn*, Korngold's second Hollywood feature, accompanied the ardent confessions of Kay Francis and Errol Flynn with a solo violin and a cello quartet to stand in for the lovers' voices. It later furnished the thematic basis for the first movement of Korngold's violin concerto, written for Heifetz in 1945, a haunting work that could easily have borne the subtitle of the violinist-composer Louis Spohr's once-popular Eighth Concerto: "in *modo de scena cantante*," alias *Gesangszene*. It, too, was a sublimated operatic scene, nostalgically evoking the vanished world that Korngold once inhabited, and that he had helped to transform.

III.

But wait. Isn't there another difference, a bigger one? Opera, however popular, remains an art, while movies, or at least Hollywood movies, are a mass-produced and mass-reproduced medium, and amount only to kitsch. Or so we are often told. I am not so sure.

The operatic world from which Korngold and Křenek emerged, like the wider world of art in the period following the Great War, was a bitterly divided world. The division was not simply between stylistic radicalism and conservatism, or between a liberating iconoclasm and a hidebound tradition, though that is how a stubbornly Whiggish historiography continues to represent it. Nor was it primarily a division between a senile romanticism and a new

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classicism, as so many artists of the time liked to say. It was, rather, a difference in the way that art was viewed in relation to the world.

The heart of the matter, as it pertains to music, was grasped with great lucidity by the early Soviet critic Boris Asafyev, writing at a time when the new Russia, not yet fully transformed from a radical social experiment into a fascist prison, was still at the forefront of artistic innovation, and when NEP-period Soviet opera houses were very much abreast of developments in the West, if not actually ahead of them. It is startling now to recollect that *Wozzeck* had its third production in Leningrad, in advance of all German stages but Berlin, and that *Jonny spielt auf* was staged both in Leningrad and in Moscow during the season of 1928-1929. (Both operas stimulated the work of the young Shostakovich.) "There is a growing contrast in contemporary music," Asafyev wrote in 1924,

> between works built on the principle of maximum concentration, economy and conciseness, and those which dispose their materials in breadth and employ the largest possible number of performers.... In the first case, the music asserts the dynamics of life; in the second it is ruled by an emotional hypnosis and a sterile hedonism.... [The new art] is nearer to the life of public actuality than to that of philosophical seclusion.... Its style is essentially dynamic, for it is rooted in the sensations of contemporary life and culture and not merely in personal sentiments and emotions.

Jonny spielt auf and *Das Wunder der Heliane* represent the contradiction described by Asafyev at its polar extremes, which were extremes not yet reached when he wrote. Though they are being marketed now under a crude common rubric, they embodied antithetical values. On the surface, at least, they represent (in Asafyev's terms) a sort of before and after: fat round *Heliane*, swooning, slow-moving, full of puffy, sublimated waltzes, vs. lean mean *Jonny*, speedy, angular, alert, twitching with new-world rhythms. Korngold's father, a powerful Viennese critic and a disciple of Bruckner, made strenuous and counterproductive efforts to suppress Křenek's opera, efforts that were only partly attributable to nepotism. In fortuitous (and, in the light of things to come, excruciatingly ironic) alliance with the Nazi press, the Jewish critic sought to uphold the sanctity of *die heil'ge deutsche Kunst* (to quote Wagner's Hans Sachs), "holy German art," values that the elder Korngold associated with a particular musical ethos and his temporary allies associated with a particular mythology of race.

Since Wagner's time, the German art of music had brought to a pitch of perfection the most consummately developed technique ever devised for representing the idealized experience of subjective feeling in tones. Philosophers and psychologists who have reflected upon the methods, highly manipulative in several meanings of the word, by which composers in the German tradition achieved this representation, have tended to fall under its spell. They have attributed universality to a local, highly specialized idiom. They have cast it in essential terms, as the culminating realization of music's intrinsic or "absolute" properties. (Recall Susanne K. Langer's formulation that music and emotion are "isomorphic," or the more pragmatic version, by the American psychologist Carroll C. Pratt, that "music sounds the way moods feel.") What is analogized by music that may be described in these terms is the waxing and waning—the onsets, the peaks, the subsidence—that characterize the experience of many kinds of feeling, conspicuously including sexual arousal. A music that traffics in the emotive effects created by fluctuating tension will place a high premium on process and flux. Its unfolding is marked, therefore, by a constant modification in whatever is most obviously variable—chiefly tempo, loudness and implied harmonic direction.

The last is strictly the province of the composer; and it is fair to say that the main technical preoccupation of composers and musical theorists, in the century that led up to the post-Wagnerian period, was the staking out and the rationalization of a vastly enlarged field (or "sea," as Wagner liked to call it) of harmonic relationships, enabling the control of an increasingly versatile and protean range of "modulation," that is, directed harmonic change. The other variables, speed and loudness, can be specified by the composer (and were so specified, increasingly), but they can also be modified ad libitum in the act of performance. And so there arose an "emotional" performance practice as well, which could be applied not just to the Germanic music of subjective emotion, but (appropriately or not) to any sort of music. Whenever and wherever the Germanic emotive style was taken as an essential musical truth, its "Wagnerian" performance practice was universalized as well. (Try Wilhelm Furtwängler's or Willem Mengelberg's performances of Bach and Mozart.)

Again it was a matter of perpetual

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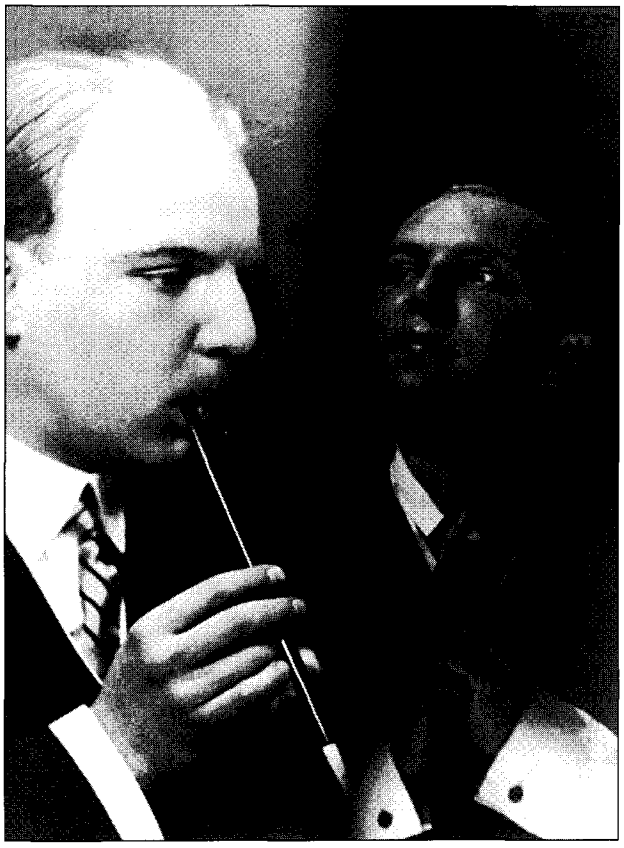
"becoming," of constant and graduated change: tempo rubato (the constant adjustment of speed) and shaded dynamics (the constant adjustment of loudness), which were coordinated with the new "freedom" of finely calculated harmonic shift. Myriad conventions arose whereby impressions of mounting pressure and relaxing pressure, ranging in intensity from the infinitesimal to the cataclysmic, were reinforced in all three dimensions. Articulation, or the absence of it, also played a part, making emotional representation-by-analogy a four-dimensional affair. It was in the post-Wagnerian period that portamento, sliding gradually from pitch to pitch in imitation of operatic singing, became a fixture of string playing; and so did the constant use of vibrato, a throb produced by minute and subtly variable frequency or amplitude modulations. Virtuosos on all instruments sought the maximum connection between notes known as legato, and virtuoso orchestrators experimented with continuous orchestral pitch (which was much facilitated by the harp, whose swooping glissando technique could make every change of pitch sound like a portamento).

With all of these effects in simultaneous operation, no music ever produced stronger climaxes. Nor could any other music stave off climax or closure so long and so effectively. For, as *Tristan und Isolde* taught several generations of composers, the most potent maneuver of all was the feint. Wagner's harmonic feints are his most famous legacy, but his dynamic feints were no less masterly. The crescendo leading to the climax of the love duet in the second act of *Tristan*, and to its recapitulation in Isolde's final transfiguration or *Liebestod*, is just as potent an augur of culmination as the progressively concentrated (finally, explosively, released) harmonic tension; and it is broken tellingly by a sudden lessening of volume, so as to build again with still more power.

With such an efficacious strategy of forecasting events and delaying them, of arousing expectations and frustrating them, music could actually produce affect, not merely portray it. The perpetual waxing and waning of Wagnerian and post-Wagnerian music, its endless process of becoming, thus had a way of emotionally engulfing listeners, taking control of their sentient lives for the duration—and becoming, for all practical purposes, noumenal music, the music of ultimate (well, virtual) reality. It was what Schopenhauer, who believed in it, called the direct embodiment of Will, and what Asafyev, who did not believe in it, called "emotional hypnosis."

The act of submitting to such music turns one temporarily into a solipsist. Succumbing to its hypnosis was valued as religious experience, as erotic experience, as narcotic experience, in any combination or all at once. Music that could produce such experiences and such states of consciousness was thought by its devotees to be the most sanctifying and exalting art in the world. Which is precisely why such music was, for Max Nordau, but not for the Nazis, the ultimate Entartete Kunst.



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ERNST KŘENEK (1927)

IV.

There was no hypnotist in music more expert than Erich Wolfgang Korngold. He commanded the resources that Wagner had pioneered with a routined virtuosity even greater than Wagner's and with a higher gloss, owing to advances both in orchestral technology and in orchestrational know-how, where Strauss had led the way. Korngold's use of the harp, and of brass harmonics, transformed the orchestra into a virtual continuous-tone instrument. The Straussian celesta, the earlier composer's sauce piquante, mutates in Korngold's orchestra into an indefatigably churning section of keyboard and mallet instruments—xylophone, glockenspiel, harmonium, piano, organ and even the infrequent *glockenklavier*, a set of tubular chimes attached to a keyboard—that oozes endless aromatic goo.

There is hardly a measure in *Das Wunder der Heliane*, as the conductor John Mauceri reports, that is without tempo or dynamic modification. Korngold's sea of harmony is aslosh with intoxicants—progressions by whole tones, by minor thirds, by encircling appoggiaturas, by "extra" semitones—that were not standard in Wagner's day, but had become standard in Strauss and Debussy and, perhaps above all, in Delius (in *A Mass of Life* and *Sea Drift*, and in the operas *A Village Romeo and Juliet* and *Fennimore and Gerda*, all works first performed in Germany before the composer won acceptance in his native England).

Listeners to *Das Wunder der Heliane* are sensually surfeited and emotionally buffeted to a degree that not even Strauss or Scriabin ever attempted. It was a style so fraught with excess and extremity as to require a subject matter of corresponding magnitude. Nothing less than eschatological mystery would do, which is what the librettist Hans Müller, adapting a "Mysterienspiel" by Hans Kaltneker, tried to supply. The action takes place, like a typical expressionist drama, in an unspecified time and space. Except for Heliane, the characters have no names, just generic labels. The stage directions virtually harp on transcendence: "There is no trace of realism," the remark for Act I reads; "the characters are timeless both in their garments and their movements." The instruction for Act III insists that a crowd on stage mill about, come and go, rear up and crouch down, but "never in realistic poses." No social actuality is to impinge on metaphysics here. We are going to gaze on Good and Evil plain.

A messianic Stranger, imprisoned for insurrection by an evil Ruler, awaits execution. Heliane, the Ruler's wife, secretly comes to the Stranger's cell to comfort him. He demands to caress her hair, then to fondle her feet, finally to gaze upon her naked body. She complies with every request. The Ruler, an Alberich-like figure who has traded love for power, returns to strike a bargain with the Stranger: if the Stranger will teach

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the Ruler, who has never known the virginal Heliane's love, how to conquer her sexually, he will be spared. On discovering the naked Heliane in the Stranger's cell, the Ruler convenes a court to condemn her. Heliane insists on the purity of her mission of mercy. The Stranger asks the court for a moment alone with Heliane, during which he kills himself in a love ecstasy. The Ruler forces the Chief Judge to agree to a trial of Heliane's purity: if she can restore the Stranger to life, she will be spared. Heliane, despite self-doubt and an attempted confession of sin, succeeds in her task before the assembled populace, who are thus inspired to depose the Ruler, but not before he strikes his wife dead. The Stranger now resurrects Heliane in turn, and the two, having thus consummated through mutual arousal and erection a holier and purer matrimony than any earthly sacrament can bless, are admitted to eternal life together.

Could there be any purer kitsch? This operatic consecration of comfy family values, by means of an ersatz religiosity accompanied by the crassest voyeurism, seems written to illustrate the central point in Hermann Broch's "Notes on the Problem of Kitsch":

> The new age—i.e., the age of the middle classes—wants monogamy, but at the same time wants to enjoy all the pleasures of libertinage, in an even more concentrated form if possible. They are thus not content to raise the monogamous sexual act to the stars; the stars, and everything else that is eternal, are obliged to come down to earth to concern themselves with men's sexual lives and enable them to reach the highest pitch of pleasure.

No doubt about it: Korngold was the master of musical sacroporn. Here it is the music, as in all opera deserving of the name, that makes the essential point, and draws the crucial connection between the pseudoreligious and the pseudoerotic, most powerfully in the swaying waltz that reaches its most full-blown statement in "*Ich ging zu ihm*" (I went to him), Heliane's Act II aria of self-justification before the court, in which she recounts in lingering detail the eight-minute nude scene that the audience has already witnessed. It was coyly staged with lighting effects, according to the memoirs of Lotte Lehmann, who created the role in Vienna.

This connection between religiosity and eroticism, of course, was a hoary artistic cliché. Where the religiosity and the eroticism have been frank, they have conspired to produce masterpieces of art; but Heliane is of another order, less a Bernini saint than a Kim Basinger madonna. She is the domesticated descendent of a long line of Wagnerian heroines and anti-heroines, a composite of Elisabeth, the pure bride in *Tannhäuser*, and Kundry in *Parsifal*, whose "*Dienen, dienen*" (To serve! To serve!) is parodied directly when Heliane, immediately before the clothes come off, exclaims ecstatically "*Ich bin! Ich diene!*" while harp glissandos and celesta appoggiaturas proliferate in the pit like kudzu.

Nordau, it happens, was rather droll (and prescient in a feminist way) on the subject of Wagner's women and the obsessional trope of the mystical erotic. For Wagner and his followers, who lived in an age of burgeoning women's rights and independence, the Eternal Feminine manifested herself as "a terrible force of nature," to which man could only offer resistance with the aid of

> a pure and unselfish virgin, who forms the antithesis to the sphinx with soft woman's body and lion's paws. In conformity with the psychological law of contrast, Wagner invents as a counterpart to the terrible woman of his inmost perception an angelic woman, who is all love, all devotion, all celestial mildness; a woman who asks for nothing and gives all; a woman soothing, caressing and healing, in whom the half-conscious idea is struggling for form, viz., that safety lies in purity, continence or in the possession of a wife having no sort of individuality, no desire and no rights, and hence incapable of proving dangerous to the man.

Kundry had combined the two sides of woman in one, or had struggled to advance from sphinx to saintly minister; but unlike Heliane, the kitsch-Kundry, she does not get the man because she is not virginal and cannot volunteer herself as the wife of the bourgeois paterfamilias's dreams, who combines the roles of "*Dirn' und Engel*," whore and angel (as Heliane is actually labeled at her trial).

Korngold's opera, with its myriad references to the works of his predecessors, furthers the bourgeois trivialization of once noble themes that is so often noted and condemned in Strauss (as in *Die Frau ohne Schatten*, another drama of trial and redemption with a largely anonymous cast of characters, which with its angelic choir of unborn children amounts to a pro-life *Magic Flute*). The opera that it most insistently recalls in music, by virtue of its ceaseless celesta chatter, is *Der Rosenkavalier*; and the final duet for Heliane and the Stranger, with its bright, diatonic (read: folklike, naïve) recapitulation of formerly sinister chromatic motifs, puts one inescapably in mind of the final duet of Octavian and Sophie.

That set piece, and the ending of Strauss's opera generally, has taken many

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lumps for what is alleged to be its pandering sentimentality. *Heliane* is its best defense. The *Rosenkavalier* duet, after all, starts out as a trio, in which the Marschallin's self-controlled resignation sets the optimistic calf-love of the young protagonists in perspective. Hers, not theirs, is the epiphany that brings the music of the opera to its radiant climax; the duet proper is just a coda. Her acceptance of a reality that they are in no position to grasp exposes the callowness of their bliss; the triumph of two hearts beating solipsistically as one is not accepted as ultimate truth. There is an aristocratic reserve—or better, an aristocratic reservation—about this ending that cools sentiment just below the sticky point.

Das Wunder der Heliane, by contrast, ends with unending, unreserved affirmations of eschatological truth and pious purity. The word "*Ewigkeit*," or eternity, gets rehearsed in Act III just as obsessively as the word "*nackt*," or naked, had been milked in the Act II trial scene. But the apotheosis of chaste, uxorial devotion is set against a lush orgiastic orchestra that, still harping (literally) on "*nackt*," contradicts every word, turning it into papa's masturbatory fantasy, and not even a good one.

Because its prurient core is caked in shame, Korngold's sacroporn fails to produce the "spasm upon spasm of physical delight" that the composer Ethel Smyth was able to draw from the wanton celesta chords in *Der Rosenkavalier*; it produces only discomfiture at its vapid sanctimony. The proper name for the resplendent, oneiric terrain where the kitsch-Kundry reigns is Tinseltown. How right Korngold was, finally, to adjust his sights to the less pretentious level of the Hollywood dream-factory, which (as Jeremy Tambling points out in his engaging *Opera, Ideology and Film*) also sanctions "a domesticated, home-consumption view of love as faintly mystical, in its nonrational association with music." In Hollywood kitsch depreciates to schmaltz, which is less of a lie, because it makes no exalted claim to truth. In Hollywood Korngold could pull out all the stops and have it understood, and respected, as an honest, small deed.

V.

The devolution of high romanticism to the celluloid bargain basement, and the consequent death of grand opera as an art form of contemporary relevance, marked a victory for the "new sobriety" or the "new actuality" (or however one may prefer to translate *neue Sachlichkeit*) that came urgently to the fore in Germany and its artistic colonies between the wars. "Contemporary life," Asafyev wrote, "with its concentration of experience, its capricious rhythms, its cinematographic quality, its madly fast pace—the quality of this life has weaned us away from slow and leisurely contemplation." No more hypnosis; no more dreams; and most important of all, no more solipsism. An authentic modern music, Asafyev insisted, would have to be "nearer to the street than to the salon, nearer to the life of public actuality than to that of philosophical seclusion."

Jonny spielt auf echoes this wake-up call, literally and earsplittingly, with four on-stage alarm bells that suddenly go off before the final scene. These, plus a siren, a roaring locomotive and the sounds of mechanically reproduced music emanating from record players and radios are the grating artifacts of the "life of public actuality" that impinge upon, and overwhelm, the cushioned philosophical seclusion in which the post-Wagnerians had hidden away their senses. Where Korngold had divested his opera of actuality, insisting on an action disembodied in time and space and a music that bodied forth the eternal noumenon of spirit (though constantly veering, like Strauss's, into cosmic waltz-time), Křenek insisted on the actual, the specific, the temporal and the phenomenal. He insisted so forcefully that his opera was immediately taken as the prototype of a new genre, christened *Zeitoper* or "now-opera," to which operas by composers such as Weill, Hindemith, the American expatriate George Antheil and others were assimilated.

"Now-opera" was not simply a matter of contemporary action, of reference to current events and American pop-genres (shimmies, tangos, blues, "*Neger-Spirituals*") and pop-timbres (sax, banjo), though these were the grounds for *Jonny*'s immediate audience appeal and its subsequent (misleading) reputation as a "jazz opera." Its main novelty was irony: the clash between the ephemeral content and the "classical" form. And this implied another, more fundamental clash: in place of the music of timeless inner feeling, its unabating fluidity of tempo dissolving chronometric reality, there was now to be a music that proceeded just as unabatingly through busy ostinatos at what Křenek at one point labeled "*schnelles Grammophon-Tempo*," emphasizing uniformity of physical and physiological motion and banishing psychology. It was a music of corporeal elation and spiritual nihilism, a tonic for the tired and the disillusioned, for people who felt betrayed by the lie of transcendence. It was, in short, the music not of America, but of "Americanism." And so the now-opera was not really *sachlich* after all but still *märchenhaft*, embodying not a new reality but a new fairy tale, a new allegory and, yes, a new kitsch.

In *Jonny spielt auf*, the first now-opera, the allegory is overt and sledgehammer-subtle. The protagonist is not the title character—a Negro bandleader vaguely modeled, it seems, on Sam Wooding, whose *Chocolate Kiddies Revue* swept Germany in 1925-1926—but Max, a Central European composer of traditional transcendental bent (vaguely modeled, it seems, on Ernst Křenek), whose favorite hangout is the Alpine glacier on which the curtain rises for Act One. In the first scene Max meets his *ewig-weibliche*, an

February Variations

First:
It was something in the air.—
A cold blue blush of Spring
before Spring could be there...
An intimation of distance...
Or of crystal... I don't know...
Something too delicate
to leaf a maple or melt snow—
or to name, even—were one prone
to so much resistance...

Second:
Not four feet away,
a titmouse on a twig—
like a miniature grey-
and-nut-colored Confederate,
with his kepi tipped
down to his eyebrows—
delicately sipped
first-run sap, at a knot
like a doll's goblet...

Third:
A pretty cashier peered
out of the one clear place
in a storm of forelock like a bird
out of a thicket as
she rang a change-drawer,
and smiled... And I felt again,
as both times before,
clumsy and tongue-tied,
for very grace.

Peter Kane Dufault

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operatic diva named Anita who sports a Pucciniesque leitmotif and plays the banjo and tries to lead him not ever upward but down into the maw of commercial success. She goes to Paris and triumphs in Max's opera, but he will not follow her. There she meets Jonny, the hotel bandleader, and Daniello, a slick, matinee-idol "classical" virtuoso, whose violin, following the ancient fairy-tale formula, is the enchanted source of *élan vital.*

Both try to seduce her. Daniello, with his magic tool, succeeds; while he and Anita are in bed together, however, Jonny (with the help of a chambermaid whom he has seduced) steals Daniello's instrument. The complicated chain of events thus set in motion—in which the violin passes from Anita back to Jonny, then to Max, then back to Jonny—ends with Daniello's death under the wheels of a train that will shortly carry Max and Anita on the first leg of a journey to America, and with Jonny, in triumphant possession of the violin, striking up his theme song and leading a stage full of rejuvenated Europeans in an ecstatic "American" dance.

The most attractive aspect of the opera is the efficiency with which the stylistically eclectic score links all the plot's components, achieving an allegorical conjunction between the abundant phenomenal music and the noumenal. A tiny leitmotif, just a descent through the interval of a fourth to a downbeat, pervades everything. (Anyone who has heard Ravel's "jazz"-tinged *L'Enfant et les sortilèges* of 1925 will recall this very distinctive idea as the "Maman!" motif. Did Křenek?) Scored impressively as a kind of brass chorale, it opens the opera. It is the thematic kernel of "*Du Lumpenkerl*" ("You lout!"), Jonny's main "jazz" number, a "Blues" (meaning here just a song with a "blue note") that became a genuine "Schlager," a hit-tune recorded by actual jazz bands many times over as a single. Its climactic chorus "*Leb' wohl, mein Schatz*" ("Bye-bye, baby") returns to crown both act finales, and crowns them blazingly indeed.

More surprisingly, and tellingly, the same descending fourth is the motif by which the glacier (singing as an offstage female chorus; it is the best scene in the opera, and so much for *Sachlichkeit*) answers Max's entreaties to receive him (*Wer ruft?* "Who calls?") and sends him back (*Zu-rück!*) into life and action. The motif is thus the musically distilled essence of the same life-force that inhabits the violin and that animates and allegorizes the superficial Americanisms. The last reprise of all is surprisingly quiet: a series of lulling, reassuring reiterations, by Jonny, on Daniello's necromantic violin, of the motif in its simplest, primal terms, played out decrescendo over a throbbing blues accompaniment. It makes a haunting, indeed a hypnotic, envoi.

One can only marvel at the professional élan with which the 26-year-old composer-cum-librettist went about his business, and at the shapely formal integration that he managed to forge out of such heterogeneous contents, with the music, on the "microstructural" plane, playing the essential fusing role, pointing up the hidden correspondences between the plot's levels and between inner and outer levels of consciousness. If only the music were as interesting as it is skillful. But alas, throughout his long career, Křenek proved to be an amiable mimic of prototypes from Schubert to Boulez and an ingenious contriver, but a drab inventor.

In the instance of *Jonny,* the mimicry is off as well, because the composer knew so little whereof he aped. (John L. Stewart, Křenek's biographer, acknowledges that "when he conceived his libretto, Křenek had never met a Negro or an American.") Jonny, in a passage that must have especially delighted the Nazis, spies Anita in the Paris hotel and leers, "Oh, by Jove, *die weisse Frau ist schön!*" The "*neger-amerikanische*" music in this opera is just about as convincing as the purported black-American patois.

But this hardly mattered to the audience. What they wanted to see, and what Křenek set out to provide, was a jolly, down-to-earth version of Korngold's messianic Stranger: a hope-inspiring Pied Piper, or better, as Křenek later put it, a "latter-day Papageno," a Mr. Natural, as alluringly Other as possible. The condescension implicit in the illicit and alluring and ostensibly liberating stereotype was not directed at blacks alone, but more generally at Americans. But Jonny's indispensable Otherness is what finally undoes the now-opera premise. As Stewart concedes, the now-element, that is, the dance music, "was surprising only in that it was used in an opera. Considered strictly as music, it was singularly bland."

Opera, in other words, has a sort of Heisenberg problem. The *alltäglich,* the *zeitlich* and the *sachlich,* the everyday, the ephemeral and the phenomenal—the new prescription that would make art safe for Weimarish democracy—could function convincingly within the world of opera only as an exotic import. By its very presence, it was exceptional, numinous and threatening. So now-opera was still opera. It could only be a special case, a subgenre; and it could not escape the fate of the genre as a whole.

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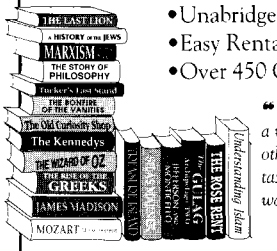

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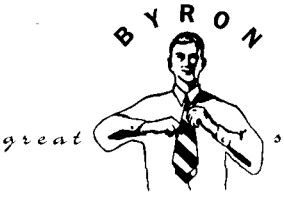

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But what really disturbs in *Jonny speilt auf* is what so often disturbs in "Weimar" art, especially the kind that pretended to the new objectivity. Amoral, anti-reflective, primitively spontaneous and "biological," glorifying mass culture, this art prefigures fascism. Why are we expected to cheer Jonny when he steals Daniello's violin? Is it because the metaphorical torch has gone from an exhausted Europe to America, the hope of the world? No, torches are passed, not swiped. It is the simple audacity of the deed that justifies it, that condemns its victim.

When the glacier sends Max back down into the world, it is to act, not to think. Only when he is provoked into decisive, lawless action, fighting his way free of the police who had arrested him for possession of Daniello's violin and hopping recklessly on Anita's boat train for America, does Max finally win her. As their train makes its triumphant exit, the final tableau is that of a stage full of dancing puppets, like the one in Mann's "Mario and the Magician," in mindless thrall to a charismatic leader. Some wide-awakeness. Some liberation.

The freedom celebrated at the end of *Jonny spielt auf* is only the freedom to seek new masters, to submit to a new hypnosis. The difference between Křenek's hypnosis and Korngold's is that it is no longer the unseen charlatan, the Oz-like composer-manipulator of the Wagnerian tradition, who seems to exercise control, it is a visible character on stage. And the control that he exercises is physiological, not spiritual. Korngold manipulates subjectivity directly; Křenek, denying subjectivity, works through Jonny on the autonomic nervous system. One can hardly listen to the last scene of *Jonny*, even on records, without twitching in loutish kinesthetic response to the breakneck reprise of "*Du Lumpenkerl.*" (It is realized to rowdy perfection in the recording, at a truly improbable *Grammophon-Tempo.*) One hates oneself in the morning.

VI.

The tendency has been to forgive both of these works their cynicism, to accept *Jonny spielt auf* as a "mildly naughty" period romp (Stewart) and *Das Wunder der Heliane* as a "two-and-a-half-hour drench," to quote the English composer Robin Holloway, at which "one smiles in acquiescent pleasure." The indulgence, it seems pretty clear, is purchased courtesy of the Nazis. Take away their seal of disapproval and we are left not with easily dismissed "degeneracy," but with decadence, which is more real, more disquieting and much harder to get a grip on.

This was the downside of the thriving consumer culture that, in our day, with opera a walking corpse, seems at first so enviable. But this was a culture of frisson and titillation posing as a culture of liberation and uplift. However it may tickle our sense of irony to contemplate it, and even if we choose to excuse its practitioners on grounds of naïveté or sincere bad taste, it entailed a lack of moral purpose that rendered the "serious" arts defenseless against totalitarian rhetoric, and passively complicit in its triumph. It has often enough been said that the demise of the Weimar Republic was as much a suicide as a murder. These valuable recordings of trashy operas provide excellent documentation in support of such a judgment.

And if that is not jeremiad enough, it is worth adding a few words about the newly revived *Zeitoper* concept in which some have seen the possibility of opera's salvation in our time. *Nixon in China* and *The Death of Klinghoffer*, operas masterminded by the director Peter Sellars and executed by the librettist Alice Goodman and the composer John Adams, seem to go the Weimar now-operas one better in "actuality" by using real figures from recent history and the news as characters.

The events portrayed are, to say the least, conducive to political and moral debate; and the more we can get used to thinking about high art—and classical music in particular—in such terms, the better. Except for the little aestheticist and formalist detour of the last seventy years or so, the traditional way of thinking about art and talking about art, except among those whose business it is to make it, has always emphasized the political and the moral. There is no reason why artists' shoptalk should remain the dominant mode of art criticism. To return human concerns to center stage, as the Sellars-Goodman-Adams operas appear to do, can only do serious art good. For the less irrelevant such art may again begin to seem to ordinary human values and needs, the less we may be inclined to condone its marginalization in our culture.

But what these operas have really done is idealize and transcendentalize the actual, on the aestheticist assumption that that is what high art is supposed to do. The result is a moral evasion, particularly acute in *Klinghoffer*, where a crime is involved, where the complacent nonjudgmental affectation only reinforces the sense that "high" artists no longer possess the means or the disposition to respond adequately to human dilemmas, and where, worse yet, the forms of old sacred genres (in this instance, the Bach passions) are appropriated to cloak moral blankness and opportunism in a simulated religiosity. *Klinghoffer* and *Heliane* are kitsch cousins.

The worst of it was the critical response, at any rate a large part of it, which ratified the false premise that opera, as high art, should be above matters of mere life and death. "As the authors' approach to this sensitive subject is classical," the reviewer for the *San Francisco Chronicle* wrote, unbelievably, of *Klinghoffer*, "no 'sides' are taken." Bach, the ostensible model, who knew not from "classical," took sides, all right. Or should we prefer a "classical" Passion, in which Christ and his betrayers are treated "evenhandedly"? If such moral indifference is an accurate measure of what the "classical" has now become, then the "classical" deserves its fate. Its death, like the death of Weimar, may ultimately be judged a suicide. •

The Vision Thing

BY ALFRED KAZIN

Witness Against the Beast: William Blake and the Moral Law by E. P. Thompson

(The New Press, 234 pp., $30)

The English radical historian Edward Palmer Thompson, who died last year at the age of 69, was one of the last socialist humanists in a tradition that his books have helped to keep alive. *The Making of the English Working Class*, which appeared in 1963, was his most famous contribution to the writing of history "from the bottom." What is most striking about that book, apart from its often surprising and dramatic evidence of the many grievances that went into the making of a pre-Socialist tradition of class consciousness, was Thompson's reverence for this con-

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sciousness itself. In book after book—*Whigs and Hunters: The Origin of the Black Act, Customs in Common, Albion's Fatal Tree* (the last a study written with others of the social history of crime)—his feeling for the "lower classes" led him to write a sort of deeply moving social history that was not obtainable in communism's dishonest public idolatry of the working class.

Thompson believed that the tradition of English dissent was rooted in radical Protestantism. It is not surprising, then, that his last book, *Witness Against the Beast: William Blake and the Moral Law*, is a noble but strained effort to show that Blake, the most isolated and purely imaginative English poet of his time, had his sources in the extreme Protestant sects that flourished in England's seventeenth-century social wars. Blake's connection to these sects came to a head at the end of the eighteenth century in his radical enthusiasm for the American and French revolutions.

Blake's mentality, what he liked to call his "vision" in poetry, art, religion, is sublimely (often cryptically) his own. But he was also very much a part of his time and place. He was trained as an engraver and versed in Gothic art, sketched monuments in Westminster Abbey, and made his living engraving other men's work while privately "illuminating" his own poems. He rarely sold these illuminations, though he once exhibited them at the Royal Academy (and longed for the approbation of his fellow painters). Early in his life, he was acquainted with the pretentious highbrows whom he later burlesqued in *An Island in the Moon*; he also consorted with radicals such as Mary Wollstonecraft, her husband, William Godwin, Tom Paine and Joseph Johnson, one of the few booksellers sympathetic to his poetry. At different times he owned a print shop, shuttled in and out of the Swedenborgian "Church of the New Jerusalem" with his wife, Catherine, and made friends with the visionary, Swiss-born painter Henry Fuseli ("the only Man that e'er I knew Who did not make me almost spew").

There is no question that Blake was as much a religious radical as he was a political one. He had an easily inflammable and naturally religious apocalyptic temperament. If ever there was an example of the lengths to which the most radical Protestant could go, when he was soaked in bitterness against the "Beast," against everything about the established order in church and state, it was Blake. So it is understandable that Thompson, with his respect as a radical for lower-class dissent even in religion, should link Blake to revolutionary seventeenth-century sects, especially since some of their doctrines were still current in Blake's time and continued into the Victorian era.

One thing that these antinomians had in common was their unforgettable names: Diggers, Ranters, Behmenists, Muggletonians, Philadelphians, Seekers, Familists (the Family of Love). Another was their opposition to the moral law laid down by the Father in the Ten Commandments. Indeed, there no longer was any Father; in order to reach man He had incorporated himself into the Son, who was now the only God. Among these sects the historic Protestant belief in justification by faith, instead of justification by works, reached its crescendo in the priesthood of all believers, in God's "free gift" of grace, in an opposition to Calvinist predestination and in the exaltation of private intuition. Interestingly, this antirationalism and this opposition to science collided with the Enlightenment, which helps to explain Blake's special hatred for Newton, Locke, Gibbon, Voltaire.

But how, as Thompson has the honesty to ask himself, did 1650 get to 1790? His unsatisfactory answer is that opposition to the Law acquired a new force when "married to political radicalism and to the outlook of the oppressed." He ignores the fact that religious belief in God, the one God, was already declining at the end of the seventeenth century, the century that Whitehead believed to be the era of scientific genius. In *Paradise Lost* the Father, for all Milton's effort "to assert Eternal Providence, / And justify the ways of God to man," is a stagy, stiff, inaccessible figure; and His legatee "the Son" is a hopelessly formal intercessor. In *Paradise Lost*, it is Satan, of course, who is the most interesting heavenly character (in and out of Heaven). Blake famously wrote in *The Marriage of Heaven and Hell* that Milton was of the Devil's party and *knew* it.

The main trouble with Thompson's attempt to ally Blake with the seventeenth-century religious radicals is that he deals with these radicals' formal doctrines, but not with their actual experience of belief in a personal providence. I do not think that Thompson understood that religion is a gift of conviction, not a set of propositions. Justification by faith, as opposed to "works," marked the great Protestant breakthrough, but is not as common in reality as it was historically imperative as doctrine; and it is not to be confused with piety or orthodoxy, no matter how severe. Thompson does not recognize that the radicals' experience of belief naturally dissipated in time. They were the last of the true believers, even before the development of science, linear reasoning, the "dark satanic mills," the city and mass society drove Blake to seem "crazy" in defiantly asserting his visionary genius against the age.

Thompson says in his preface that when he lectured on Blake at Columbia in 1968,

> at a time of excitement when some sort of campus revolution against the Moral Law was going on, ... I startled the audience by acclaiming William Blake as "the founder of the obscure sect to which I myself belong, the Muggletonian Marxists." Instantly I found that many fellow sectaries were in the room. As the years have gone by, I have become less certain of both parts of the combination. [Thompson joined the Communist Party in 1940 as a student at Cambridge, and resigned in 1956 after Khrushchev's denunciation of Stalin and the crushing of the Hungarian uprising. He later became a leading advocate of nuclear disarmament.] But that is still the general area in which this book falls.

Thompson's espousal of this "general area" does not convey the outrage and the near-fanaticism with which Blake confronted his isolation after he had gone through Swedenborg's Church of

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the New Jerusalem, the pro-American party during our Revolution and supporters of the English Jacobins during the French Revolution. Thompson so much wants to place Blake within the dissenting tradition that he cannot bring out the unique gifts that distinguished Blake and also made him near-paranoiac in his fury at not being understood. No mere dissenter suffered as Blake suffered in his pride. Blake's wrath against the establishment accuses every kind of moderation in religious attitude. Thompson's book is strained in its effort to find a tradition of religious dissent into which Blake can be "placed." This is academic source-hunting and tradition-placing with a vengeance, and it is futile when it comes to Blake. For here, among all of these old believers and would-be religionists, is Blake the artist, whose greatest "illuminated" works he could not sell, whose poetry had to wait for Swinburne and Yeats for recognition.

It is really too bad that Thompson has virtually nothing to say of Blake's hardships as an art craftsman, which came to near penury at times; and that he has nothing to say of Blake's own reworking and redemption of institutional Christianity in his Prophetic Books. But worse than all this is Thompson's inability to recognize where Blake, in his lyric poetry, is emotionally most powerful. Thompson suggests that Blake may have written *Songs of Innocence* because the Swedenborgian church was advertising for hymnal lyrics. Even if this was so, it is not very illuminating about the poetry. But when Thompson comes to "London" in *Songs of Experience*, Blake's unforgettable condemnation of the spiritual dearth, cruelty and injustice that is lived every moment by man in the modern city, he completely misses the point of Blake's saying "I wander thro' each charter'd street, / Near where the charter'd Thames does flow, / And mark in every face I meet / Marks of weakness, marks of woe."

"Charter'd" may derive from an actual charter, but Blake, in his characteristic longing for imaginative space, is indignant that the street is just *bound*. And when Blake clearly says that he sees "marks of weakness, marks of woe," he does not mean, as Thompson suggests, that social affliction is "putting a *mark*" on anybody's face. He *sees* these marks on the people passing him in the London streets. Thompson simply could not stop believing in social affliction as the one cause of weakness and woe. "London" is certainly a great outcry against misery and exploitation. But by "weakness" Blake also meant spiritually downtrodden. People had been materialized. They had been made small by the pettiness of their hopes as well as by the cruelty of their society. What is most missing in their lives is a sense of the infinite. Blake believed in the infinite as the tie between art and religion. The self-contented go round and round in the same circle, if they lack a longing for the infinite. But of course there was no room for anything like that in Thompson's dream of socialism—a socialism that honored personal religious belief, but on the evidence of this book, does not seem to have included it.

ALFRED KAZIN is the editor of the *Viking Portable Blake*.

Rio Redux

BY RICHARD STERN

Brazil
by John Updike

(Knopf, 260 pp., $23)

John Updike's latest novel has attracted a considerable quantity of disdain. I enjoy as much as anyone seeing my literary betters skewered. But the greater interest is in the art. Could Updike have gone so far off his narrative rocker as these critics say? For a few pages, you think perhaps he has. The style is "high," more than usually logy with adjectives and similes, and here flecked with Portuguese and mystic mist as well:

> "This dolly, I think she was made for me," said Tristão, impulsively, out of those inner depths where his fate was being fashioned in sudden clumsy strokes that carried away, all at once, whole pieces of his life. He believed in spirits, and in fate. He was 19, and not an *abandonado*, for he had a mother, but his mother was a whore, and even worse than a whore, for she drunkenly slept with men without money, and bred tadpole children like a human swamp of forgetfulness and casual desire.

As for the dialogue, it is also "high," a form of translationese, the sort that Hemingway made notorious. "The gift I have in mind would also be a gift to myself. It is time. It is the time in my life." The speaker is the rich, beautiful "pale" Isabel, who lets the black slum kid Tristão pick her up on Copacabana Beach, takes him home to her uncle's elegant apartment where she forces "the gift"—her virginity—on him. "For God's sake, *do* it."

After a few pages, however, one accommodates to the style. The narrative moves teasingly in short chapters, ones that will skim much of Brazil's social and topographic landscape. Isabel's Uncle Donaciano forbids her to see "this *molegue*," the lovers steal his cruzeiros and his candlesticks, depart for his mother's shanty, then head to São Paulo and his half-brother, who betrays them to polished thugs sent by her diplomat father. Isabel goes to college in Brasilia; Tristão tightens bolts—"to a foot-pound torque of forty-three"—on a *fusca* assembly line, until he saves enough to escape with her to a backland gold mine, where they starve until Isabel turns tricks and has the first of the six children she will bear by other men. (The lovers' passion is too grand for children or monogamy.) Tracked down again, Tristão kills the tracker, and they're off into the Mato Grosso with her two children and a Tupi woman called Kupehaki, who shows them how to dig "succulent white worms called *coró*" out of the rotting bark of "the *mato* ... the Brazilian pine." Indians kill Kupehaki and kidnap the children. Near death, they are discovered and enslaved by high-toned Paulist roughnecks, *bandeiros*, whose chief makes Isabel his mistress. She gets to a shaman whose magic transposes her color and Tristão's. Back at the encampment, newly black Isabel is ordered to service "the aching groin" of the *bandeirante*, José Peixoto. As she "willed herself to kneel," "a tall bearded white man" splits José's skull, then says, "You foul black whore—you were about to blow the bastard." It's Tristão.

Alone again, in their new skins, they reach new sexual excitement, her "nervous network more angular than before, less rounded by perennial hopeless-

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ness." To him, "her whole body seemed leaner and knobbier, its bulges and recesses more emphatic, now that she was no longer the color of clouds and crystal but that of earth, of wet smooth wood, of glistening dung." They make their way east finding jobs in small towns till they save enough to fly back to Brasilia and her father's welcome of his rather sunburned daughter and her splendid white husband. In São Paulo, they become rich. ("The banality, the brightly masked tedium, of bourgeois life—tale-tellers remain balked by it.") Visiting Uncle Donaciano in Rio, Tristão wanders down to the beach where twenty-odd years ago he and Isabel met. There he's killed by thieves. Isabel finds him in the water, throws herself on his body and tries—like her prototype, Iseult the Fair—to die with him, but "the chemicals within her continued their fathomless commerce."

The high tone of this grand tour is drawn, according to Updike's afterword, from Joseph Bédier's version of the Tristan and Iseult romance translated by Hilaire Belloc and Paul Rosenfeld. The tone goes in and out—"'Brezhnev will never permit socialism to have a human face,' argued Nestor Vilar"—not because the writer forgets, but because he both indulges and comments on it.

Reviewing Roy Lichtenstein's recent retrospective, Updike wrote of "the multidetermination of the artistic impulse" that "can satirize and memorialize at the same time"; thus the painter's "deconstruction of abstract expressionism" in *Brushstroke* exhibits "the very energy that the literalist, counterstylistic rendering mocks." Realism and magic are braided in Updike's North American version of South American fiction.

Brazil. What do we know of it? Or, for that matter, what do we know about most of what we "know"? Most comes from books, usually translated, occasionally works of genius that are themselves products of digested views altered by the author's force and perspicacity. *Brazil* is Updike's version of what his afterword calls "truly Brazilian fiction" (he names seven Brazilian writers), as well as the Brazilian epic, Euclides da Cunha's *Os Sertãos* (1902), as splendidly translated and annotated by Samuel Putnam as *Rebellion in the Backlands*, and books by such foreign observers as Claude Lévi-Strauss, Theodore Roosevelt and Elizabeth Bishop. The story is very roughly drawn from Bédier, whose own version is a composite of numerous medieval sources. The flora, fauna and anthropology come largely from Lévi-Strauss and da Cunha, both of whom used the work of North American scholars. From da Cunha also come the "racial caricatures" that Gilberto Freyre (another Updike source) more moderately called "ethnic exaggerations."

Brazil's tolerance of color is underscored by extraordinary sensitivity to the varied colors of its population. There are as many Brazilian terms for them—*caboclo, cafuso, mestizo, pardo*—as Eskimos have for snow, Masai for cattle. The emphasis on skin color in Updike's novel, which offended some critics, may well be profoundly important to Updike, who has said that his entire life—his first marriage, his vocation: staining white pages with black marks—has been shaped by skin disease. (See the wonderful chapter in his memoir *Self-Consciousness* on his psoriasis.) If anything, Updike's play with the transformation of the protagonists' skin color and thus their lives should earn the same sort of political credit that the author of *Pygmalion* gets for demonstrating that a duchess consists of nothing but a few phonemes and an expensive outfit. Updike has made of Brazilian skin color a serio-comic poem that is by no means irrelevant to our North American dilemma.

Fifteen years ago, in *The Coup*, Updike used the voice of an African colonel to vent—or to elicit—satiric fury that his "ordinary," American characters couldn't mouth. Now in *Brazil*, Updikensian impulses that in his realistic fiction become extravagant, operatic or hysterical (like the revolutionary rant and melodrama of the last two-thirds of *Rabbit Redux*) are controlled by his version of a Brazilian version of the Belloc-Bédier version of various medieval versions of the Tristan and Iseult romance. Updike's bi-focal, or bi-vocal, or multivocal and -focal, "commentary" has the "several layers in different colors" that—as he wrote in 1980 in a preface to *Rabbit at Rest*—make his "trickier novels" more interesting to him. "Plain realism has never seemed to me to be enough.... a page of printed prose should bring to its mimesis something extra ... a fine excess that corresponds with the intricacy and opacity of the real world." The "real world," where we, compendia of other people's minds and bodies, occasionally enlarge our small uniqueness with the help of beautiful little books like *Brazil*.

RICHARD STERN is the author most recently of *One Person and Another: On Writers and Writing* (Baskerville) and *Noble Rot: Stories 1949-88* (Another Chicago Press).

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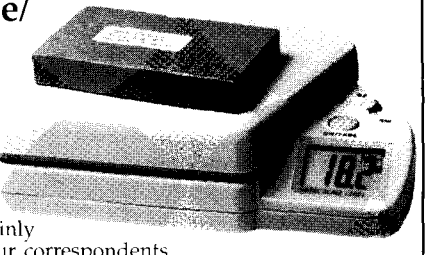

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WASHINGTON DIARIST

How special

ALL WASHINGTON JOURNALISM now boils down to a single question: "How's the president doing?" Scarcely anything else matters in the media's scheme of things. Congress doesn't, except as a scoreboard for measuring the success or failure of the president's programs. The Supreme Court? It's worthy of attention from time to time, chiefly when the president nominates a new justice. The Pentagon? The only question there is the degree to which the military brass are behind their commander in chief. The press's fixation on the president is not entirely a new phenomenon. It began when Ronald Reagan arrived in Washington. But it's all the more pronounced with Bill Clinton in the White House. Partly this is a function of television's ever increasing dominance in Washington. T.V. has a simple rule for covering Washington: watch the president. If the president is also an interesting personality, like Reagan or Clinton (but not George Bush), so much the better. With Clinton, it's the tension between redneck and Rhodes Scholar, small-town charmer and statesman, that's irresistible. Besides, he's so available. Clinton has also introduced several fresh ways of elbowing everyone else out of the picture. As a knee-jerk activist, he has a proposal or a position on virtually every subject, thus turning every vote on Capitol Hill into a verdict on his presidency. This is ironic. Why? Because the presidency is weaker now than it has been for years; Congress is dominant in the political process in Washington. Also, Clinton has been careful not to appoint anyone likely to seize media attention. Just check out his Cabinet. A duller bunch you'll never meet. Not entirely by accident, I suspect.

GIVEN THE PRESS'S OBSESSION, IT'S odd that one of Clinton's most awkward moments as president got scant coverage. It happened at the National Prayer Breakfast (maybe this explains why so few reporters showed up) on February 3, when Mother Theresa delivered an anti-abortion plea. The president and Hillary Rodham Clinton sat a few feet from Mother Theresa as she spoke for thirty-three minutes. Halfway through, she started talking about abortion. I don't know what the Clintons had expected, but I'll bet it wasn't this. As the crowd cheered Mother Theresa wildly, the president and first lady were stone-faced. He took a sip of water and, at one point, leaned over to whisper something to his wife. Mother Theresa was unrelenting. "I feel that the greatest destroyer of peace today is abortion because it is a war against the child, a direct killing of the innocent child, murder by the mother herself," she said. "Please don't kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted and give that child to a married couple who will love the child and be loved by the child." The worst part for Clinton was that he had to speak next. "I was so moved by the profession of faith and the experiences of Mother Theresa that almost anything that any of us could say would be anti-climactic." True enough. The president then spoke aimlessly for several minutes without defending his support for legalized abortion and sat down.

CLINTON, IN JUST A YEAR, HAS DEvalued the trappings of the presidency by overusing them. Take the overnight stay at the White House, the ultimate perk a president can bestow. Clinton has hosted Barbra Streisand, various mayors, British Prime Minister John Major, the Reverend Bill Hybels, Billy Graham, et al. I expect to see bumper stickers soon that say: "HONK, IF YOU HAVEN'T SLEPT AT THE WHITE HOUSE." The "exclusive" presidential interview is also a thing of the past. Q&A sessions with Senator Al D'Amato are more exclusive. Nor is the presidential visit a big deal anymore. Clinton has dropped by California alone more than ten times since Inauguration Day. This may be good politics, but it's bad for the aura of the presidency. Then there's the presidential jog. Hardly anyone in Washington (except tourists) takes notice anymore when Clinton and his little party of joggers go by. I contend there's something unpresidential about jogging. George Washington didn't jog. Abraham Lincoln didn't jog. John F. Kennedy didn't jog. Kennedy ran around, but that's different.

THE PRESIDENT HAS HAD A ROCKY time with Congress, but it could have been worse. Imagine if he were a Republican. Democratic committee chairmen would be in hot competition to hold the first hearings on Whitewater. Maybe a select committee would be created in the Senate, another in the House. Half the business and legal community in Arkansas would be subpoenaed to talk about Whitewater, Madison Guaranty, SBA loans. Instead of being grilled in genteel fashion on "Nightline" by Ted Koppel, James McDougall, the Clintons' partner in Whitewater, would be raked over the coals by Representative John Dingell of Michigan or Senator Howard Metzenbaum of Ohio. There'd be a humongous legal debate over whether Hillary Rodham Clinton could be forced to testify before Congress or if she would be covered by executive privilege. The state troopers? They'd be star witnesses at the hearings, repeating lurid details of womanizing before a national television audience. But, since Clinton is a Democrat, Congress isn't interested.

THE "SPECIAL RELAtionship" between Britain and the United States is "especially special" in the Clinton era, according to Dee Dee Myers, the White House press secretary. Only Myers, prodded by reporters, was joking. The relationship between Prime Minister John Major and Clinton bears no resemblance to that between Margaret Thatcher and Reagan a decade ago. "She treated him like an international treasure and he had enormous personal regard for her," says a White House official. "That was a special relationship. This is a more normal relationship." Clinton has more rapport with German Chancellor Helmut Kohl than with Major, and he thinks Kohl is a more important person, too. All Clinton wanted from Major's visit was public evidence that hard feelings over the visa Clinton had issued to IRA honcho Gerry Adams have vanished: in other words, that Major wasn't mad at him, and vice versa. To demonstrate this, Clinton treated Major like a college buddy who dropped by for dinner and stayed the evening. They ate, talked into the night, had breakfast together, then went their separate ways—cheerfully. It might as well have been the leader of Denmark or Iceland who'd visited. When Major departed on March 1, he and Clinton were asked about the relationship. They responded with boilerplate. "I think it's a partnership of shared instincts and shared interests," Major insisted. "It's a profoundly important relationship, I think, to both countries and, I also believe, to the future of the world," said Clinton. But not special.

FRED BARNES

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

Back on Track

I confess. A few years ago, I seriously thought of supporting a constitutional amendment to balance the nation's budget. It's true I had written in the past about the problems that such an amendment could create. But I thought that sometimes, in the lives of individuals and countries, you have to take an action that has serious drawbacks because the alternatives are worse. For instance, nobody likes the idea of imposing a curfew, but when a community is facing an unusual amount of violence and crime, most people will go along with one.

And so, as I watched the budget deficits growing bigger and bigger, I thought that maybe our country had lost the will power it had during its first 200 years; maybe we no longer elected politicians who were able to manage our country prudently. Perhaps a balanced budget amendment would be preferable to budget deficits and a skyrocketing national debt.

Writing a budget, even in an unremarkable year, is not a science.

However, I concluded that a balanced budget amendment is not the answer. The budget is only an educated guess—an estimate of how much the federal government will take in and spend over the next year. Even individuals with steady jobs and very regular patterns of expenditure sometimes find that they must spend more than they intended in a given year. In the life of a nation, this is even more true.

Government income and outlay are influenced by events no one can control or predict—there can be unexpected expenditures or shortfalls because of natural disasters or bank failures or massive unemployment or because of the fallout from economic or political crises elsewhere in the world. But even writing a budget in an unremarkable year is not a science. And different economic theories can produce very different fiscal projections—some of them wildly out of line with actual results. Remember how Ronald Reagan and his economists told us that if we cut taxes by billions of dollars, we would increase the money the government took in?

The reliability of budget projections is not the only issue. Passing a budget that complied with the rigid requirements of a balanced budget amendment would probably reduce Congress to "a procedural mess." That's the view of Carol Cox Wait, a conservative Republican, "deficit hawk" and president of the Committee for a Responsible Federal Budget, as presented in a recent *Wall Street Journal* article (February 24, 1994):

> Whose economic assumptions would be used to forecast spending and receipts? What if they were wrong? Who would have standing to assert that they were wrong? What would happen if the budget gets out of balance?...If an amendment passed, those questions and a million more would insure that the federal budget ultimately lands in federal court, the answers to be provided by judges serving on the bench for life.

Now, if the deficit goes up and citizens don't like it, they can defeat the politicians they've elected. With a balanced budget amendment, we will get a system that is much less accountable because federal judges are appointed for life.

Some people say that, if ordinary folks can balance their budgets, the government can do the same. However, most families—and most businesses— don't balance their budget in any given year, and there is no reason why they need to. It may be better under certain circumstances *not* to balance it. Some years a family—or the government—must spend more in order to take care of needs that are unexpected or crucial. And often borrowing leads to economic advantages down the road. That's why parents go into debt to send their children to college. And many businesses become prosperous precisely because they borrow money to develop and market new products. A country also may have to incur short-term deficits in order to pursue long-term goals or stimulate the economy. For 200 years, we have gotten along without requiring a balanced budget, and no other country puts its budget process into this kind of straitjacket.

If the arguments against a balanced budget amendment are so strong, how come the amendment has a good chance of getting through Congress? Probably because many members of Congress are facing tough re-election contests, and this is an issue that could give an opponent some cheap ammunition. Rather than take a chance of being called fiscally irresponsible, they may think it better to jump on the bandwagon, no matter what their reason and experience tell them.

A couple of years ago, I considered supporting a balanced budget amendment because I believed the political process no longer worked. Now we have a Congress and a President who have shown they are capable of cutting the deficit. And we have a five-year program that everyone admits will substantially reduce the deficit. The budget system our country has lived under for 200 years is back on track, and there is no reason to destroy it.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W. Washington, D.C. 20001. © 1994 by Albert Shanker.

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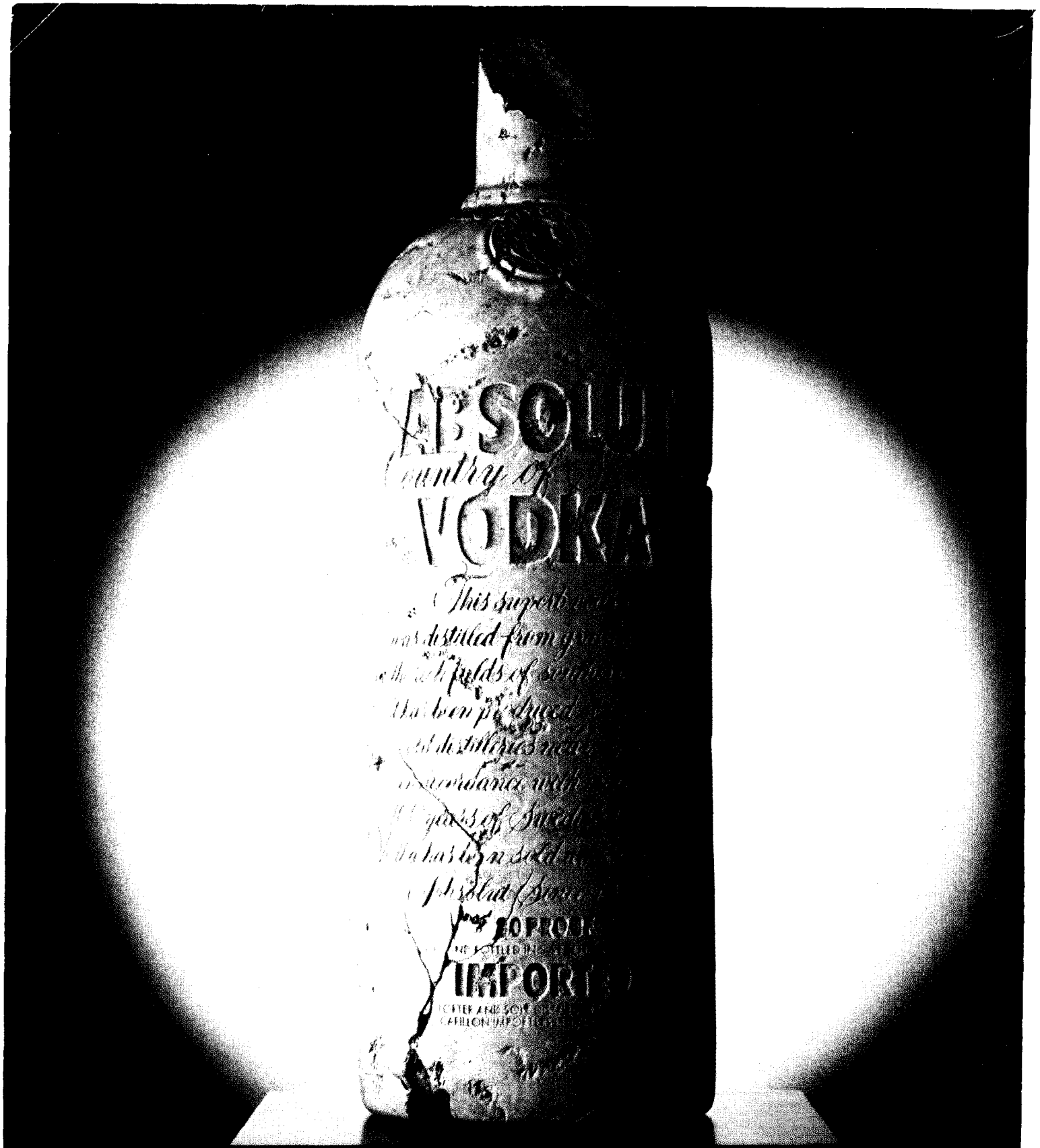

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